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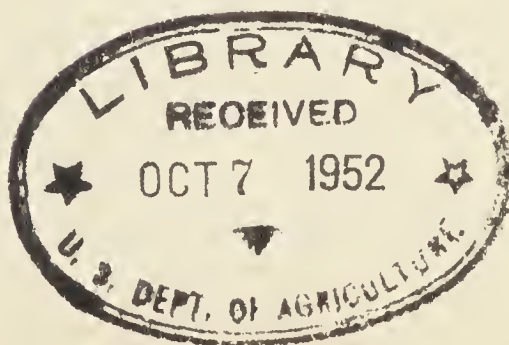
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RULES AND REGULATIONS

OF

*Bureau of Entomology and
Plant Quarantine*

8 1949 Edition, Title 7, Chapter III, of the
Code of Federal Regulations //

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CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

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CROSS REFERENCE: For Customs regulations relating to special classes of merchandise, see Customs Duties, 19 CFR, Part 12.

ABBREVIATIONS: The following abbreviations are used in this chapter:

BEPQ=*Bureau of Entomology and Plant Quarantine*. JR=*Joint Regulations*.
Q=*Quarantine*. R. & Regs.=*Rules and Regulations*.

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301.75 Notice of quarantine.

AUTHORITY: §§ 301.13 to 301.75 issued under secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

SOURCE: §§ 301.13 to 301.13-14 contained in Quarantine No. 13, 13 F. R. 2807.

QUARANTINE

§ 301.13 *Notice of quarantine.* The Secretary of Agriculture having previously quarantined the Territory of Hawaii on account of the Mediterranean fruitfly (*Ceratitis capitata* Hendl.) and the melon fly (*Dacus cucurbitae* Coq.), now determines that it is necessary to modify the quarantine to prevent the spread of additional dangerous plant diseases and insects found in Hawaii and new to and not widely prevalent or distributed within and throughout the United States, including the following: Oriental fruitfly (*Dacus dorsalis* Hendl.), citrus canker (*Xanthomonas citri* (Hasse) Dowson), green coffee scale (*Coccus viridis* Green), bean pod borer (*Maruca testulalis* Geyer), bean butterfly (*Lampides boeticus* L.), Asiatic rice borer (*Chilo simplex* Butl.), mango weevil (*Cryptorhynchus mangiferae* F.), and Chinese rose beetle (*Adoretus sinicus* Burm.).

Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given the public hearing required thereunder, the Secretary of Agriculture hereby quarantines the Territory of Hawaii to prevent the spread of said plant diseases and insect pests.

All fruits and vegetables, in the natural or raw state; peel of fruits of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae, of the botanical family Rutaceae; cut flowers; rice straw; and mango seeds, are hereby prohibited movement from the Territory of Hawaii into or through any other Territory, State, or District of the United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that existing conditions as to the pest risk involved

in the movement of the articles or insects to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective.

RULES AND REGULATIONS

§ 301.13-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Plant pests.* The injurious insects and plant diseases referred to in § 301.13, in any stage of development.

(b) *Fruits and vegetables.* The more or less succulent portions of food plants, and parts thereof, in the raw or unprocessed state, such as bananas, coconuts, pineapples, potatoes, ginger root, tomatoes, peppers, melons, citrus, mangoes, etc.

(c) *Cut flowers.* Cut blooms of gardenia and mauna loa or leis made thereof.

(d) *Mango seeds.* Seeds of the fruit of mango (*Mangifera* spp.), fresh or dried.

(e) *Rice straw.* Stems or straw of rice (*Oryza sativa*), when used as packing material or for other purposes.

(f) *Inspector.* An inspector of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(g) *Certificate.* A document signed by an inspector certifying that a particular ship, vessel, other surface craft, or aircraft, or any specified lot or shipment of fruits or vegetables or other plant materials, via baggage, parcel post, express, freight or other mode of transportation, has been inspected and found apparently free from articles the movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

(h) *Person*. This term shall be construed to include both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations.

(i) *Moved (move and movement)*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from the Territory of Hawaii into or through any other Territory or State or District of the United States. Local or interisland movement is in no way affected by the regulations in this subpart. ("Move" and "movement" shall be construed accordingly.)

(j) *Disinfection (disinfect and disinfected)*. The application to parts or all of a ship, vessel, other surface craft, or aircraft of a treatment that may be designated by the inspector as effective against such plant pests as may be present. ("Disinfect" and "disinfected" shall be construed accordingly.)

§ 301.13-2 *Regulated articles*—(a) *Prohibited movement*. (1) The movement of insects of the species designated in § 301.13 or other notoriously injurious insects in a live state from the Territory of Hawaii into or through any other Territory, State, or District of the United States, either independently or in connection with any other article, is prohibited, except as provided in § 301.13-14 (b).

(2) Fruits, vegetables and other products specified in § 301.13, and not eligible for inspection and certification under § 301.13-4 or otherwise expressly authorized movement either in the regulations in this subpart or in administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine are prohibited movement.

(b) *Regulated movement*. The movement of the following fruits and vegetables from the Territory of Hawaii is allowed throughout the year upon compliance with the regulations in this subpart:

Arrowhead (*Sagittaria sagittifolia*).
Arrowroot (*Maranta arundinacea*).
Asparagus (*Asparagus officinalis*).
Bean sprouts, soy (*Glycine hispida*).
Bean sprouts, mungo (*Phaseolus aureus*).
Burdock, great (*Arctium lappa*, *Lappa major*, *L. edulis*).
Butterbur (*Petasites japonicus*).
Cabbage (*Brassica oleracea*).

Cabbage, Chinese (*Brassica pekinensis*, *B. chinensis*).
Cabbage, swamp (*Ipomoea reptans*).
Carrot (*Daucus carota satira*).
Cassava (*Manihot* sp.).
Celery (*Apium graveolens*).
Chinese spinach (*Amaranthus gangeticus*).
Chives (*Allium schoenoprasum*).
Chrysanthemum, garland (*Chrysanthemum coronarium*).
Coconuts (*Cocos nucifera*).
Coriander (*Coriandrum sativum*).
Dandelion (*Taraxacum officinale*).
Dropwort, water (*Oenanthe stolonifera*).
Garlic (*Allium sativum*).
Ginger bracts (*Zingiber mioga*).
Ginger root (*Zingiber officinale*).
Honeysuckle (*Cryptotaenia canadensis*).
Jesuit's nut (*Trapa bicornis*, *T. natans*).
Kudzu (*Pueraria thunbergiana*).
Leek (*Allium porrum*).
Lettuce (*Lactuca sativa*).
Lily root (*Nelumbium nucifera*).
Mugwort (*Artemisia vulgaris*).
Nightshade, Malabar (*Bassella rubra*).
Onion, green (*Allium fistulosum*).
Parsley (*Petroselinum hortense*).
Perilla (*Perilla frutescens*).
Pineapples (*Ananas sativa*).
Potato (*Solanum tuberosum*).
Radish greens (*Raphanus sativus longipinnatus*).
Radish, oriental (*Raphanus sativus longipinnatus*).
Shallot (*Allium ascalonicum*).
Spinach (*Spinacia oleracea*).
Sweet corn (*Zea mays*).
Taro root, shoots and stalks (*Colocasia antiquorum esculentum*).
Watercress (*Nasturtium officinale*).
Waternut (waterchestnut) (*Eleocharis dulcis* (*E. tuberosa*) (*Scirpus tuberosus*)).
Yam bean root (*Pachyrhizus erosus*).
Yams (*Dioscorea* spp.).

Provided, That additions of other fruits and vegetables may be made to the foregoing list of regulated articles by the Chief of the Bureau of Entomology and Plant Quarantine when he determines that such fruits or vegetables, either as ordinarily packed and shipped or after treatment, do not involve risk of spreading any of the plant pests designated in the foregoing quarantine, and when such findings have been made known in administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine.

§ 301.13-3 *Conditions of movement*—

(a) *Certification*. Regulated articles shall not be moved from the Territory of Hawaii unless accompanied by a valid certificate issued by an inspector, except that coconuts (husked or unhusked), free from wrapping or packing materials, may

be moved through the mails without certification.

(b) *Segregation of certified articles.* Articles certified after treatment in accordance with § 301.13-4 (b), taken aboard any ship, vessel, other surface craft, or aircraft in the Territory of Hawaii must be segregated and protected in a manner as required by the inspector.

§ 301.13-4 *Conditions governing the issuance of certificates.* Certificates may be issued for the movement of articles permitted movement in accordance with the regulations in this subpart under either of the following conditions:

(a) Fruits and vegetables designated in § 301.13-2 (b) may be certified when they have been inspected by an inspector and found apparently free from infestation.

(b) Fruits, vegetables, and other products designated in § 301.13 (except those listed in § 301.13-2 (b)) for which treatments may be approved by the Chief of the Bureau of Entomology and Plant Quarantine may be certified after such treatments have been applied under the observation of an inspector in accordance with administratively approved procedure. Any treatment that may be approved must be applied at the expense of the shipper, owner, or person in charge of such fruits and vegetables, except that no charge will be made for services performed by the inspector in the supervision of such treatments. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised.

§ 301.13-5 *Application for inspection.* Persons intending to move any fruits or vegetables that may be certified in accordance with the provisions of § 301.13-4 shall make application for inspection or treatment on forms provided for this purpose as far as possible in advance of the contemplated date of shipment. They will also be required to prepare, handle, and safeguard such articles from infestation or reinfestation, and to assemble them at such points as the inspector may designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector shall be paid by the shipper. Blank forms² for use in making applications

for inspections will be furnished free upon request to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, Honolulu, T. H.

§ 301.13-6 *Marking, certification and type of container.* Each container of articles required to be certified under the regulations in this subpart shall be plainly marked for identification purposes as required by the inspector, and shall be accompanied by a certificate issued in compliance with the regulations in this subpart. In the case of lot shipments, either in containers or in bulk, a certificate covering the lot shall be attached to the waybill, manifest or bill of lading. Containers or wrappers shall be new or of materials approved by an inspector.

§ 301.13-7 *Uncertified fruits, vegetables, and cut flowers taken aboard ships, vessels, other surface craft, or aircraft—(a) In the possession of passengers or crew members.* Small quantities of fruits, vegetables, and cut flowers, subject to the quarantine and regulations in this subpart, when loose and free of packing materials, may be taken aboard any ship, vessel, other surface craft, or aircraft by passengers or members of the crew without inspection and certification in the Territory of Hawaii. However, if such articles, so taken aboard, are not eligible for inspection and certification under § 301.13-4 (a), they must be entirely consumed or disposed of before arrival within the territorial waters of any other Territory, State, or District of the United States: *Provided*, That no such uncertified articles may be taken aboard any aircraft as baggage or otherwise, when such aircraft is to be inspected and certified before its departure from the Territory of Hawaii in the manner set forth in § 301.13-10.

(b) *As ship's stores or decorations.* Fruits, vegetables, and cut flowers subject to the quarantine and regulations in this subpart may be taken aboard ship, vessel, or other surface craft, or aircraft in the Territory of Hawaii without inspection or certification. However, such fruits, vegetables, and cut flowers not eligible for inspection and certification under § 301.13-4 (a) must be entirely consumed or removed from the ship, vessel, other surface craft, or aircraft before arrival within the territorial waters of any other Territory, State, or Dis-

² Form EQ-170.

strict of the United States: *Provided*, That no such uncertified articles may be taken aboard any aircraft as stores or otherwise, when such aircraft is to be inspected and certified before its departure from the Territory of Hawaii in the manner set forth in § 301.13-10.

§ 301.13-8 *Inspection of vessels.* All ships, vessels, and other surface craft from Hawaii, upon coming within the territorial waters of any other Territory, State, or District of the United States, shall be subject to examination by inspectors for the purpose of ascertaining by inspection whether any of the articles or insects prohibited movement by the quarantine and regulations in this subpart are contained in such ships, vessels, or other surface craft, or whether there remains any infestation from such articles. Such inspection will be made at the discretion of the inspector, either in the stream or at a pier, wharf, or mole within the confines of any port in the United States, other than in the Territory of Hawaii. If inspection is made in the stream, the ship, vessel, or other surface craft shall remain in the quarantine or inspection area until the inspector has notified the master or other responsible ship's officer, in writing, that further detention in quarantine for inspection purposes is not required. If inspection is made at a pier, wharf, or mole, the master or other responsible ship's officer shall not permit the unloading of any cargo, stores, baggage, or other personal belongings of the passengers and crew until he receives the written notification referred to above from the inspector. This inspection shall be made only between the hours of sunrise and sunset, and any ship, vessel, or other surface craft arriving after sunset shall remain at anchor in the quarantine or inspection area until inspection can be made on the following morning: *Provided*, That inspection between the hours of sunset and sunrise may be made when the inspector has been furnished advance information of the approximate hour of arrival, and the number of passengers carried, if any, and when facilities satisfactory to the inspector are provided both aboard the ship, vessel, or other surface craft and on the pier for adequate lighting and availability of stores, quarters, and baggage for inspection, as well as transportation to and from the ship, vessel, or other surface craft in the quarantine or inspection area, if necessary.

§ 301.13-9 *Disinfection of vessels.* Any ship, vessel, or other surface craft arriving from the Territory of Hawaii at a port in any other Territory, State, or District of the United States, which is found, upon inspection, to contain articles subject to the quarantine and regulations in this subpart infected or infested with any of the plant pests designated in the quarantine or to be contaminated with any article or injurious insect prohibited movement by said quarantine and regulations, shall be immediately disinfected by the person in charge or possession of such ship, vessel, or other surface craft under the supervision of an inspector and in the manner prescribed by him.

§ 301.13-10 *Inspection of aircraft.* All aircraft arriving from the Territory of Hawaii at a port within the territorial limits of any other Territory, State, or District of the United States shall be subject to examination by inspectors for the purpose of ascertaining by inspection if any article or injurious insect the movement of which is prohibited by the quarantine and regulations in this subpart is contained in any such aircraft, or if any infestation from such prohibited articles remains. Except in the case of forced landings, all aircraft moving between the Territory of Hawaii and any other Territory, State, or District of the United States shall, upon coming within the territorial limits of such Territory, State, or District, land at an airport of entry unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., with concurrence of the Bureau of Entomology and Plant Quarantine and shall remain there until inspected and released by the inspector. No baggage, cargo, or other articles shall be removed from the aircraft until such removal has been authorized by an inspector: *Provided*, That in the case of forced landings by such aircraft, the aircraft commander or operator shall not allow any baggage, cargo, or other articles to be removed therefrom, unless such removal is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft shall communicate with the nearest plant quarantine officer and make a full report of the circumstances of the flight and of the forced landing: *Provided further*, That aircraft proceeding from the Ter-

ritory of Hawaii to or through any other Territory, State, or District of the United States may, at the discretion of an inspector, be inspected immediately prior to the departure of such aircraft from the Territory of Hawaii in lieu of inspection at the port of arrival, and when such aircraft, its cargo, stores, and baggage and other personal effects of passengers and crew members have been inspected and found free of articles or insects, the movement of which is prohibited by the quarantine and regulations in this subpart, the inspector shall issue a certificate to that effect for delivery to the pilot or person in charge of the aircraft as evidence for later presentation at the port of arrival that such inspection has been made.

§ 301.13-11 *Disinfection of aircraft.* Any aircraft arriving from the Territory of Hawaii at a port in any other Territory, State, or District of the United States, which is found upon inspection to contain articles subject to the quarantine and regulations in this subpart infested or infected with any of the plant pests designated in § 301.13 or which is found to be contaminated with any articles or injurious insects prohibited movement by said quarantine and regulations shall be immediately disinfected by or at the direction of the person in charge or possession of such aircraft, under the supervision of an inspector and in the manner prescribed by him; and any aircraft found upon inspection pursuant to the second proviso in § 301.13-10 prior to its departure from the Territory of Hawaii for a port in any other Territory, State, or District of the United States, to contain or to be contaminated with any articles or injurious insects as aforesaid, shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in a manner prescribed by him, before it will qualify for the certificate referred to in the said second proviso, in § 301.13-10.

§ 301.13-12 *Inspection of baggage and cargo.* All baggage and other personal effects of passengers and members of crews on ships, vessels, other surface craft or aircraft moving from the Territory of Hawaii shall be subject to examination by an inspector to ascertain if they contain any of the articles prohibited movement by the quarantine and regulations in this subpart. Such bag-

gage inspection shall be made, at the discretion of the inspector, on the dock or on the ship, vessel, other surface craft or aircraft while in a quarantine or inspection area, either at the port of departure in the Territory of Hawaii or at the first or any subsequent port of arrival in any other Territory, State, or District of the United States, and no baggage or other personal effects of passengers or crew members from the Territory of Hawaii shall be released until said effects have been inspected and passed. Baggage inspections will not be performed until the person in charge or possession of the carrier ship, vessel, other surface craft, or aircraft provides sufficient space and adequate facilities thereon, or on piers or landing fields for such inspection.

Inspectors may require that any box, bale, crate, bundle, package, trunk, bag, suitcase, or other container, carried as ships' stores, cargo, or otherwise, by any ship, vessel, other surface craft, or aircraft moving between the Territory of Hawaii and any other Territory, State, or District of the United States, be opened for inspection to determine whether any article prohibited movement by the quarantine and regulations in this subpart is present. If any such prohibited article, including any injurious insect or any fruit or vegetable infested with plant pests, is found, the inspector may order the return of the article to the place of origin under safeguards satisfactory to him, seize and destroy it, or otherwise dispose of it or such part thereof as in his judgment is necessary to comply with the quarantine and regulations in this subpart.

No cargo shall be loaded on or unloaded from any ship, vessel, other surface craft, or aircraft arriving from the Territory of Hawaii at a port in any other Territory, State or District of the United States, either at the first or any subsequent port of arrival where passengers are disembarked, without authorization of the inspector in charge of the inspection of passengers' baggage.

§ 301.13-13 *Posting of warning notice and distribution of baggage declarations.* Before any ship, vessel, other surface craft, or aircraft from Hawaii arrives within the boundaries of any other Territory, State, or District of the United States, the master, or other responsible officer thereof, shall cause to be distributed to each adult passenger thereon a

baggage declaration,³ to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, and the quarantine and regulations in this subpart. These baggage declarations shall be executed and signed by the passengers and shall be collected and delivered by the master or other responsible officer of the ship, vessel, other surface craft, or aircraft, to the inspector on arrival at the quarantine or inspection area: *Provided*, That in the case of aircraft inspected and certified as set forth in the second proviso of § 301.13-10 no baggage declarations will be required.

Every person owning or controlling any dock, harbor, or landing field in Hawaii from which ships, vessels, other surface craft, or aircraft leave for ports in any other Territory, State, or District of the United States shall post, and keep posted at all times, in one or more conspicuous places in passenger waiting rooms on or in said dock, harbor, or landing field a warning notice directing attention to the quarantine and regulations in this subpart.⁴ Every master, or other responsible officer of any ship, vessel, other surface craft, or aircraft leaving Hawaii destined to a port in any other Territory, State, or District of the United States shall similarly post, and keep posted at all times, such a warning notice in the ship, vessel, other surface craft, or aircraft under his charge.

§ 301.13-14 *Shipments for experimental or scientific purposes*—(a) *Articles for experimental or scientific purposes*. Regulated articles, other than live insects of the species designated in § 301.13 or other notoriously injurious insects in a live state, may be moved by the United States Department of Agriculture for experimental or scientific purposes on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

(b) *Insects for scientific purposes*. Live insects of the species designated in § 301.13 or other notoriously injurious insects in a live state, in any stage of development, may be mailed, shipped, transported, delivered or removed from the Territory of Hawaii to any State, Ter-

ritory or District of the United States for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of live insects so moved shall bear an identifying tag from the Chief of the Bureau of Entomology and Plant Quarantine.

SUBPART—SUGARCANE

§ 301.16 *Notice of quarantine*. The Secretary of Agriculture has determined, and notice is hereby given, that certain injurious insects and diseases of sugarcane, new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in the Territories of Hawaii and Puerto Rico, and that, in order to prevent the introduction of these insects and diseases into any other Territory, State, or District of the United States, it is necessary to quarantine the said Territories of Hawaii and Puerto Rico.

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, the Territories of Hawaii and Puerto Rico are hereby quarantined. On and after January 1, 1935, it shall be unlawful to move any canes of sugarcane, or cuttings or parts thereof, or sugarcane leaves, or bagasse, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States: *Provided*, That this prohibition shall not apply to the movement of the materials mentioned by the United States Department of Agriculture for scientific or experimental purposes, nor to the movement of specific materials which the Department may authorize under permit, on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their movement will involve no pest risk.

[Notice of Quarantine 16, rev. Dec. 8, 1934]

SUBPART—SWEETPOTATOES

§ 301.30 *Notice of quarantine*. Under the authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), as amended, the Secretary of Agriculture does hereby quarantine the Territories of Hawaii and Puerto Rico.

Pursuant to the provisions of the Plant Quarantine Act, it shall be unlawful to move or allow to be moved any variety of sweetpotato (*Ipomoea batatas* Poir) from the Territories of Hawaii and Puerto

³ Form No. EQ-132.

⁴ An acceptable warning notice appears on Form EQ-132.

Rico into or through any other Territory, State, or District of the United States, regardless of the use for which the same is intended, except as authorized by the Department of Agriculture for experimental or scientific purposes.

[Notice of Quarantine 30, rev. Oct. 4, 1934]

SUBPART—BANANA PLANTS

§ 301.32 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that two injurious insects, namely, a weevil known as *Rhabdocnemis obscurus* Boisd., and another weevil known as *Metamasius hemipterus* Linn., new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in the Territories of Hawaii and Puerto Rico, respectively, where they attack bananas and sugarcane.

The Secretary of Agriculture, under the authority conferred by the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U. S. C. 151–167), does hereby quarantine said Territories of Hawaii and Puerto Rico, and does prohibit by this notice of quarantine the movement from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States of all species and varieties of banana plants (*Musa* spp.), or portions thereof.

On and after April 1, 1918, and until further notice, by virtue of the said act of Congress approved August 20, 1912, it shall be unlawful to move any species or varieties of banana plants (*Musa* spp.), or portions thereof, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, regardless of the use for which the same are intended.

This section shall not apply to the movement by the United States Department of Agriculture of the plants named for experimental or scientific purposes.

[Notice of Quarantine 32, Mar. 15, 1918]

SUBPART—BLACK STEM RUST

SOURCE: §§ 301.38 to 301.38–8 contained in BEPQ Q. 38, 9 F. R. 14925, except as noted following sections affected.

QUARANTINE

§ 301.38 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, quar-

antines each and every State of the continental United States and the District of Columbia in order to prevent epidemic outbreaks of the destructive disease of small grains known as black stem rust (*Puccinia graminis*) in the 18 protected States as hereinafter designated, in the important grain-growing regions, in which the black stem rust is being effectively brought under control through the eradication of various susceptible varieties and species of barberries and mahonias. Hereafter, no plants of *Berberis* or *Mahonia*, or parts thereof capable of propagation, as specifically named in the regulations supplemental hereto, in revisions thereof, or in administrative instructions as provided in the regulations supplemental hereto, may be transported by any person, firm, or corporation, from any State or District of the United States into or between any of the protected States of Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under conditions other than those prescribed in the regulations supplemental hereto or modifications thereof: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental hereto shall be conditioned upon the protected State or States regulating the intrastate movement of the restricted plants and plant products and enforcing such other control and sanitation measures as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent epidemic outbreaks of said disease: *Provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the species of plants to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation shall be made less stringent, whereupon such modification shall become effective as specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected States.

§ 301.38a *Administrative instructions; classification of barberry and mahonia plants.* Pursuant to the authority conferred on the Chief of the Bureau of Entomology and Plant Quarantine by § 301.38-3 (c), there are hereby designated the species, varieties, or hybrids of barberries and mahonias that are known to be (1) sufficiently resistant to black stem rust to involve no danger of spread of the rust and which may be shipped under permit, and (2) the rust-resistant varieties of the Japanese barberry.

(a) Rust-resistant species which may be shipped to or between the protected States under permit:

Berberis beaniana.
 Berberis buxifolia.
 Berberis candidula.
 Berberis chenaulti (hybrid).
 Berberis circumserrata.
 Berberis concinna.
 Berberis darwini.
 Berberis edgeworthiana.
 Berberis gagnepaini.
 Berberis gilgiana.
 Berberis julianae.
 Berberis koreana.
 Berberis mentorensis.
 Berberis potanini.
 Berberis sanguinea.
 Berberis sargentiana.
 Berberis stenophylla (hybrid).
 Berberis triacanthophora.
 Berberis verruculosa.
 Mahonia aquifolium (Berberis).
 Mahonia bealei (Berberis).
 Mahonia dictyota (Berberis).
 Mahonia gracilis (Berberis).
 Mahonia nervosa (Berberis).
 Mahonia pinnata (Berberis).
 Mahonia repens (Berberis).

(b) Rust-resistant varieties of Japanese barberry which may be shipped to any State without permit or restrictions under the regulations in this subpart:

Berberis thunbergi
 Berberis thunbergi var. atropurpurea
 Berberis thunbergi var. "Globe"
 Berberis thunbergi var. maximowiczii
 Berberis thunbergi var. minor
 Berberis thunbergi var. variegata
 Berberis thunbergi f. erecta

Paragraph (b) of § 301.38-3 further provides that no permit is required for cuttings (without roots) of mahonia when shipped for decorative purposes and not for propagation.

Barberry and mahonia plants other than those listed in paragraphs (a) and (b) of this section may not be shipped interstate into any of the protected States.

The protected States as listed in the black stem rust quarantine regulations as revised effective December 26, 1944, (§ 301.38-2) are: Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Application for permit should be addressed to the Division of Domestic plant Quarantines, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, [BEPQ 385, 4th Rev., 10 F. R. 887, as amended by Supp. 1, 13 F. R. 1503]

RULES AND REGULATIONS

§ 301.38-1 *Definitions.* For the purpose of §§ 301.38 to 301.38-8, inclusive, the following words, names, and terms shall be construed, respectively, to mean:

(a) *Black stem rust.* The disease known as the black stem rust of grains (*Puccinia graminis*) in any stage of development.

(b) *Berberis.* Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genus *Berberis*, capable of propagation; commonly known as barberries.

(c) *Mahonia.* Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genera *Mahonia* (*Odo-stemon*) or *Mahoberberis*, capable of propagation; commonly known as mahonias, hollygrapes, holly barberries, or Oregon grapes.

(d) *Inspector.* An inspector of the United States Department of Agriculture.

(e) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or District of the continental United States into or between any of the protected States.

§ 301.38-2 *Protected States.* The following States are designated as protected: Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

[BEPQ Q. 38, Amdt. 1, 11 F. R. 705]

§ 301.38-3 *Plants the interstate movement of which is prohibited or restricted*—(a) *Plants the movement of which is prohibited.* Berberis vulgaris or any of its horticultural varieties, or any other species, varieties, or hybrids of Berberis or Mahonia sufficiently susceptible to infection by the black stem rust to involve danger of spread of the disease, are prohibited movement interstate into or between any of the protected States.

(b) *Plants the movement of which is allowed under permit.* Berberis and Mahonia of species, varieties, or hybrids not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust, may be moved interstate into or between the protected States when accompanied by a permit issued in compliance with these regulations: *Provided*, That no permit is required and no restrictions are placed on the interstate movement of (1) Japanese barberry (*Berberis thunbergi*) or any of its rust-resistant varieties, or (2) cuttings (without roots) of Mahonia when shipped for decorative purposes and not for propagation.

(c) *Designation of species as to rust-susceptibility.* The Chief of the Bureau of Entomology and Plant Quarantine is authorized and directed to designate in administrative instructions supplemental to these regulations, the species, varieties, or hybrids of Berberis and Mahonia that are known or found to be (1) sufficiently resistant to black stem rust to involve no danger of the spread of the rust and which may be shipped under permit; and (2) the rust-resistant varieties of the Japanese barberry.

CROSS REFERENCE: For administrative instructions setting forth lists of species which may be shipped interstate without permit or which may be shipped into or between protected States under Federal permit, see § 301.38a (b).

§ 301.38-4 *Conditions governing the issuance of permits*—(a) *Applications.* Persons intending to move barberries and mahonias interstate into any of the protected States shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., for permit as far as possible in advance of the probable date of shipment. Applications received after June 1 covering shipments proposed to be made during the following fiscal year (July 1 to the next succeeding June 30) may be denied if examination by an inspector cannot be made

before the close of the active growing season. Applicants will be required to state and agree that no Berberis or Mahonia susceptible to infection by black stem rust as designated in administrative instructions supplemental hereto by the Chief of the Bureau of Entomology and Plant Quarantine are being grown in any nursery or nurseries owned or controlled by the applicant or will be distributed by him. The application shall show a complete list of all Berberis and Mahonia grown by the applicant or proposed to be distributed by him, and the number of plants of each species or variety so grown or to be distributed. Permits will be issued only as to such species as have been determined to the satisfaction of the Secretary of Agriculture not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust.

(b) *Identity of species.* The inspector may require such specimens or other evidence as to the identity of the species, varieties, and hybrids grown by the applicant, and may make such inspection, as may be necessary to determine identity.

§ 301.38-5 *Cancellation of permits.* Permits issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further permits refused, either for any failure of compliance with the conditions of the regulations in this subpart or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of Berberis and Mahonia susceptible to infection by black stem rust.

§ 301.38-6 *Labeling shipments and use of permits.* Every box, bale, or other container of restricted articles for which permits are required by the regulations in this subpart shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall bear, securely attached to the outside thereof, a valid permit issued by an inspector in compliance with §§ 301.38 to 301.38-8, inclusive.

In the case of carload and other bulk shipments, a valid permit shall accompany the waybills pertaining to such shipments; or in the case of truck or other road vehicle the permit shall accompany the vehicle and be surrendered to the consignee on delivery.

§ 301.38-7 *Inspection of restricted articles in transit.* Any car, vehicle, basket, box, or other container moved or offered to a common carrier for shipment interstate which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations shall be subject to inspection by an inspector at any time or place.

§ 301.38-8 *Shipments for experimental and scientific purposes.* Articles subject to restrictions in §§ 301.38 to 301.38-8, inclusive, may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an official permit.

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

SOURCE: §§ 301.45 to 301.45-10 contained in Quarantine 45, 10 F. R. 12545, except as noted following sections affected.

QUARANTINE

§ 301.45 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, (37 Stat. 315; 7 U.S.C. 161), as amended, and having held the public hearing required thereunder, the Secretary of Agriculture quarantines the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905, the Secretary of Agriculture prescribes regulations to prevent further spread of the gypsy moth (*Porthetria dispar* L.) and the brown-tail moth (*Nygmia phaeorhoea* Donovan), injurious insects of foreign origin not widely distributed within and throughout the United States. Hereafter the following articles shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed herein or in the regulations supplemental hereto, viz: (a) Live gypsy moths or brown-tail moths in any stage of development; (b) trees, shrubs, plants, and vines, both deciduous and evergreen, having persistent woody

stems, and parts thereof, including Christmas trees; (c) timber products; (d) stone and quarry products; and (e) any other commodities or articles when found on inspection to be infested with the aforesaid insects in any of their stages: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, within the quarantined States, as are now or may hereafter be designated by the Secretary of Agriculture as regulated areas, adequate, in his judgment, to prevent the spread of the gypsy and brown-tail moths, except that any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the regulated articles under the conditions which apply to their interstate movement under provisions of the Federal quarantine regulations, currently existing; and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestations: *And provided further*, That whenever in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulation, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation will be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.45a *Administrative instructions; articles exempt from certification.* The following articles, the interstate movement of which is not considered to constitute a risk of gypsy moth or brown-tail moth dissemination, are hereby exempted from the requirements of the regulations of the quarantine:

(a) *Plants and cuttings.*

Acacia cuttings (*Acacia* spp.).
 Banana stalks, when crushed, dried, and shredded.
 Boxwood cuttings (*Buxus sempervirens*).
 California peppertree cuttings (*Schinus molle*).
 Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
 Eucalyptus cuttings (*Eucalyptus globulus*).
 Evergreen smilax cuttings (*Smilax lanceolata*).
 Fuchsia (*Fuchsia* spp.).
 Galax cuttings (*Galax aphylla*).
 Geranium (*Pelargonium* spp.).
 Heather cuttings (*Erica* spp. *Calluna* spp.).
 Heliotrope (*Heliotropium* spp.).
 Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
 Jerusalem-cherry (*Solanum capsicastrum*, *S. pseudocapsicum*, *S. hendersoni*).
 Leaves of deciduous or evergreen trees that have been treated or dyed.
 Mistletoe (*Phoradendron flavescens*, *Viscum album*, etc.).
 Oregon huckleberry cuttings (*Vaccinium ovatum*).
 Partridgeberry (*Mitchella repens*).
 Salal cuttings, known to the trade as lemon cuttings (*Gaultheria shallon*).
 Strawberry plants (*Fragaria* spp.).
 Trailing arbutus (*Epigaea repens*).
 Verbena (*Verbena* spp.).
 Wintergreen (*Gaultheria procumbens*, *Pyrola* spp.).
 Wood and birch bark novelties, when waxed, polished, or otherwise treated, to eliminate pest risk.
 All woody plants or parts thereof that have been grown in the greenhouse throughout the year and when labeled on the outside of the container to show that the contents were greenhouse grown.

(b) *Quarry products.*

Stone and quarry products when processed by grinding and pulverizing.
 Vermiculite (variously termed zonolite or mica-gro) when exfoliated or expanded and when packaged in closed containers.

(c) *Timber products.* The following materials are exempted from regulation when they have met the conditions as specified below for each and when invoices and waybills, covering bulk carload or less-than-carload shipments, bear a notation to the effect that the consignor certifies that the contents of the shipment have been produced under conditions which entitled the material to exemption as specified in the Federal gypsy moth quarantine regulations or administrative instructions issued in connection therewith:

Sawdust that has been (1) produced in established, nonportable, commercial sawmills from boards or other timber previously

sawed four sides, (2) subsequently blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 90° or sharper angle, (3) protected from infestation prior to shipment.

Shavings that have been either (1) produced by planers having 6 or more blades, or (2) blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 90° or sharper angle; and in either case protected from infestation prior to shipment.

Wood flour, pulverized wood, or ground wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

[BEPQ 386, 9th Rev., 13 F. R. 4119]

RULES AND REGULATIONS

§ 301.45-1 *Definitions.* For the purpose of this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Gypsy moth.* The insect known as the gypsy moth, *Porthetria dispar* L., in any stage of development.

(b) *Brown-tail moth.* The insect known as the brown-tail moth, *Nygmia phaeorrhoea* Donovan. (formerly referred to as *Euproctis chrysorrhoea*), in any stage of development.

(c) *Infestation.* This term refers to the presence of either the gypsy moth or the brown-tail moth.

(d) *Regulated area.* Those parts of the quarantined States which are considered to be infested with the gypsy moth or the brown-tail moth, and to which this subpart applies.

(e) *Suppressive area.* That part of the regulated area on the western periphery in which suppressive measures are cooperatively carried out with the objective of eradicating infestations in this area.

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved, movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from or between the regulated parts of quarantined States into or through any other State or Territory or District.

(h) *Certificate.* A valid form certifying the eligibility of products for interstate movement under the requirements of this subpart.

(i) *Limited permit.* A valid form authorizing the restricted movement of regulated articles from a regulated area to a specified destination for specified processing, handling, or utilization.

(j) *Dealer-carrier permit agreement.* An approved document executed by persons or firms covering the restricted movement, processing, handling, or utilization of regulated articles not eligible for certification for interstate movement.

§ 301.45-2 *Regulated area.* The following area is hereby designated as regulated:

Connecticut. Counties of Hartford, Middlesex, New London, Tolland, and Windham; towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Plymouth, Salisbury, Sharon, Thomaston, Torrington, Warren, and Winchester, in Litchfield County; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in New Haven County.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockettown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Edgington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

New York. Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of Albany County except the town of Rensselaerville; all of Columbia County except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in Dutchess County; towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in Essex County; towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in Fulton County; towns of Coxsackie and New Baltimore, in Greene County; towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in Montgomery County; and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls in Warren County.

Rhode Island. The entire State.

Vermont. Counties of Addison, Bennington, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Croton, Kirby, Peacham, Ryegate, St. Johnsbury, Waterford, in Caledonia County; towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in Chittenden County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; and the town of Elmore, in Lamoille County.

There are included in the regulated area three classifications of area (a) the suppressive area, (b) the generally infested area, and (c) the brown-tail moth area. These areas are defined as follows:

(a) *The suppressive area:*

Connecticut. Towns of Canaan, Cornwall, Goshen, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, and Warren, in Litchfield County.

Massachusetts. County of Berkshire; and the town of Monroe, in Franklin County.

New York. Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of Albany County except the town of Rensselaerville; all of Columbia County except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in Dutchess County; towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in Essex County; towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in Fulton County; towns of Coxsackie and New Baltimore, in Greene County; towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in Montgomery County; and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman,

and Warrensburg, and the city of Glens Falls, in Warren County.

Vermont. All of Addison County except the towns of Granville and Hancock; towns of Arlington, Bennington, Glastenbury, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, and Woodford, in Bennington County; towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in Chittenden County; towns of Benson, Brandon, Castleton, Fair Haven, Hubbardton, Ira, Middletown Springs, Pawlet, Pittsford, Poultney, Sudbury, Wells, West Haven, in Rutland County.

(b) *Generally infested area.* All of the regulated area, exclusively of the suppressive area, constitutes the generally infested area.

(c) *Brown-tail moth area.* The area under regulation on account of the brown-tail moth is the same as that classified in the generally infested area. [Quarantine No. 45, 13 F. R. 4377]

§ 301.45-3 *Articles under regulation—*

(a) *Prohibited movement.* The movement of living gypsy moths or brown-tail moths, in any stage of development, whether independently or in connection with any other articles, is prohibited, except as provided in §§ 301.45-5 (b) and 301.45-10.

(b) *Regulated movement.* The movement of the following articles is regulated in accordance with the regulations in this subpart:

(1) All timber products, manufactured or unmanufactured, including poles, piles, bark, pulpwood, lumber, excelsior, shavings, and sawdust. Manufactured wood products, such as furniture, containers, and similar articles, except when maintained under conditions of exposure to infestation, are exempt from regulation.

(2) All trees, shrubs, plants, and vines, both deciduous and evergreen, having persistent woody stems, and parts thereof, including Christmas trees, excepting seed and fruit other than cones.

(3) Stone and quarry products.

(4) Any other articles when found on inspection to be infested with the gypsy or brown-tail moths.

[Quarantine No. 45, 13 F. R. 4378]

§ 301.45-4 *Conditions governing the movement of regulated articles—*(a) *movement from regulated area.* Unless exempted by administrative instruc-

tions of the Chief of the Bureau of Entomology and Plant Quarantine, regulated articles shall not be moved from the regulated areas to or through any point outside thereof unless accompanied by a valid certificate or limited permit issued by an inspector authorizing such movement.

(b) *Movement from the generally infested area into the suppressive area.* Unless exempted by administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine, regulated articles shall not be moved from the generally infested area into the suppressive area unless accompanied by a valid certificate or limited permit issued by an inspector authorizing such movement.

(c) *Contingent restrictions on movement between points within the suppressive area.* Whenever it is determined by the Chief of Bureau of Entomology and Plant Quarantine that control or eradication of the gypsy moth in any section of the suppressive area is being hampered or jeopardized through infestations resulting from movement into such sections of regulated articles, the Chief of the Bureau may, after appropriate notice, require inspection and certification, as provided in § 301.45-5 (a), for any or all regulated articles moving into such designated sections from other parts of the suppressive area.

(d) *Articles originating outside the regulated area.* No certificates are required for the movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

[Quarantine No. 45, 13 F. R. 4378]

§ 301.45-5 *Conditions governing the issuance of certificates and permits—*(a) *Certificates.* Certificates may be issued for the interstate movement of regulated articles under one or more of the following conditions: (1) When they have been inspected and found apparently free from infestation; (2) when they have been treated, fumigated, or processed by approved methods; or (3) when they have been grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby: *Provided*, That subse-

quent to certification, the regulated articles will be loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(b) *Limited permits.* Limited permits may be issued for the movement of non-certified regulated articles to specified destinations for specified processing, handling, or utilization. Persons shipping, transporting, or receiving such articles may be required to enter into written dealer-carrier permit agreements to maintain such sanitation safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, processing, or subsequent movement of regulated products and the cleaning of cars, trucks, and other vehicles used in the transportation of such articles as may be required by the inspector. Failure to comply with conditions of the agreement will result in its cancellation.

(c) *Cancellation of certificates or limited permits.* Certificates or limited permits issued under this subpart may be withdrawn or canceled by the inspector and further certification refused whenever in his judgment the further use of such certificates or permits might result in the dissemination of infestation.

§ 301.45-6 *Inspection and disposition.* Any car or other conveyance, any package or other container, and any article or thing, to be moved, which is moving, or which has been moved interstate from the regulated area, which contains, or which the inspector has probable cause to believe may contain, infestations of the gypsy moth or brown-tail moth, or articles or things regulated under this quarantine, may be examined by an inspector at any time or place. When articles or things are found to be moving or to have been moved interstate in violation of this subpart, the inspector may take such action as he deems necessary to eliminate the danger of dissemination of either the gypsy moth or brown-tail moth. If found to be infested such articles or things must be freed of infestation without cost to the Government, except that for inspection and supervision.

§ 301.45-7 *Assembly of regulated articles for inspection.* Persons intending to move interstate any of the articles covered by this subpart shall make application for certification as far in advance

as possible and will be required to prepare and assemble materials at such points and in such manner as the inspector shall designate, so that thorough inspection may be made, or approved treatments applied. Articles to be inspected as a basis for certification must be free from matter which makes inspection impracticable.

The United States Department of Agriculture will not be responsible for any cost incident to inspection, treatment, or certification other than the services of the inspector.

§ 301.45-8 *Marking.* Every container of regulated articles intended for interstate movement shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate (or limited permit) issued in compliance with this subpart: *Provided, That* (1) for lot freight shipments, other than by road vehicle, one certificate may be attached to one of the containers and another to the waybill, and for carlot freight or express shipments, either in containers or in bulk, a certificate need be attached to the waybill only and a placard to the outside of the car, showing the number of the certificate accompanying the waybill; (2) for movement by road vehicle, the certificate shall accompany the vehicle and be surrendered to consignee upon delivery of shipment.

§ 301.45-9 *Cleaning of freight cars, trucks, boats, and other vehicles and containers.* When, in the judgment of the inspector, a hazard of spread of infestation is present, freight cars, conveyances, and containers moved or intended to be moved between points within the regulated area, or from a point within the regulated area to a point outside the regulated area, shall be thoroughly cleaned before or after movement, as directed by the inspector.

[Quarantine No. 45, 13 F. R. 4378]

§ 301.45-10 *Shipments for experimental and scientific purposes.* Live gypsy moths and brown-tail moths in any stage of development and articles subject to requirements of the regulations in this subpart may be moved for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear,

securely attached to the outside thereof, an identifying tag issued by the Bureau of Entomology and Plant Quarantine. [Quarantine No. 45, 13 F. R. 4378]

SUBPART—HAWAIIAN AND PUERTO RICAN COTTON, COTTONSEED, AND COTTONSEED PRODUCTS

QUARANTINE

§ 301.47 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that two injurious insects, known as the pink bollworm of cotton (*Pectinophora gossypiella* Saunders) and the cotton blister mite (*Eriophyes gossypii* Banks) new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in the Territories of Hawaii and Puerto Rico, respectively.

The Secretary of Agriculture, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U. S. C. 161), does hereby quarantine the Territories of Hawaii and Puerto Rico as infested by the pink bollworm and the cotton blister mite, respectively, and, by this notice of quarantine, does order that no cotton, seed or unginned cotton, cottonseed, cottonseed hulls, cakes, meal, or other cottonseed products, except oil, shall be moved from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, except for experimental or scientific purposes by the United States Department of Agriculture, in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto. [Notice of Quarantine 47, July 31, 1920]

RULES AND REGULATIONS

CROSS REFERENCE: For rules and regulations governing the importation of cotton into the United States, see §§ 321.102–321.114 of this chapter. For rules and regulations governing the importation of cottonseed, cottonseed cake, meal, and other cottonseed products in the United States, see §§ 321.203–321.208 of this chapter.

§ 301.47–1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cotton.* Raw or unmanufactured ginned cotton, either baled or unbaled, including all ginned cotton which has not been woven or spun, or otherwise manu-

factured, such as all forms of cotton waste, including thread waste, card strips, willowed fly, willowed picker, picker or blowings, and chum and cotton waste in any other form or under any other trade designation.

(b) *Seed or unginned cotton.* Cotton as picked from the fields, i. e., prior to being ginned.

(c) *Cottonseed products.* Cottonseed cake, meal, and other cottonseed products, except oil.

[Reg. 1, R. & Regs., July 31, 1920]

§ 301.47–2 *Control of cotton, cottonseed, and cottonseed products.* The interstate movement of seed cotton, cottonseed, and cottonseed hulls from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States is prohibited.

The interstate movement of cotton, cottonseed cake, meal, and other cottonseed products, except oil, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States will be allowed only under permit issued by the Secretary of Agriculture. Hawaiian and Puerto Rican cotton will be allowed to enter only by all-water route and at the ports of New York, Boston, San Francisco, and Seattle, or other port of arrival designated in the permit, and at such designated port of arrival shall be disinfected and subsequently controlled as is required of cotton imported from foreign countries.

Hawaiian and Puerto Rican cottonseed cake, meal, and other cottonseed products, except oil, will be permitted to enter only at the ports of New York, Boston, San Francisco, and Seattle, or other port of arrival designated in the permit, and under the conditions applying to the same articles imported from foreign countries.

In the case of shipments of either cotton or cottonseed products from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, the permits and notifications will be handled by the inspectors of the Department of Agriculture at the designated port of arrival without the cooperation of the customs service, which is a necessary requirement in the case of cotton and cottonseed products imported from foreign countries.

[Reg. 2, R. & Regs., July 31, 1920]

SUBPART—JAPANESE BEETLE

SOURCE: §§ 301.48 to 301.48-10 contained in Quarantine No. 48, 13 F. R. 2250, except as noted following sections affected.

QUARANTINE

§ 301.48 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having held the public hearings required thereunder, the Secretary of Agriculture quarantines the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle, and under authority contained in the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), the Secretary of Agriculture hereinafter prescribes regulations governing the movement of Japanese beetles and carriers thereof. Hereafter (a) soil, humus, compost, and decomposed manure; (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (c) cut flowers; and (d) fresh fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the requirements of this quarantine and of the rules and regulations supplemental hereto are hereby limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, as long as, in the judgment of the Secretary of Agriculture, the enforcement of the said rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle, except that such limitation is further conditioned upon the affected State or States providing for and enforcing control of the intrastate movement of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quar-

antine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the requirements contained in any such regulations, he shall set forth and publish such finding in administrative instructions specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof or for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.48a *Administrative instructions; articles exempt from certification.* The following articles, the interstate movement of which is not considered to constitute a risk of Japanese beetle dissemination, are hereby exempted from the requirements of the regulations of the quarantine.

Soil, humus, compost, and decomposed manure. Under this classification, the following articles are hereby exempted:

Gravel, sand, greensand marl, and clay originating from pits, mines, or deposits.

Humus, compost, and decomposed manure when dehydrated, ground, pulverized, or compressed.

Nursery stock. Under this classification, the following articles are hereby exempted:

True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil.

Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, require certification.)

Plants when growing exclusively in Os-munda fiber.

Trailing arbutus or Mayflower (*Epigaea repens*), when free from soil.

Moss and clubmoss, ground-pine or running-pine, when free from soil.

Soil-free aquatic plants.

Soil-free sweetpotato draws.

Soil-free plant cuttings without roots.

Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the Japanese beetle.

Cut flowers. Under this classification, cut orchids are hereby exempted.

[BEPQ 533, Rev., 13 F. R. 2252, redesignated at 13 F. R. 7382]

REGULATIONS

§ 301.48-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) *Infestation.* The presence of the Japanese beetle.

(c) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as a regulated area by the Secretary of Agriculture in accordance with the provisos of § 301.48 as revised.

(d) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes.

(e) *Inspector.* An inspector of the United States Department of Agriculture.

(f) *"Moved"* ("*movement*", "*move*"). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from a regulated area in one State or District of the United States to a non-regulated area or a protected area in any other State or Territory. "*Movement*" and "*move*" shall be construed accordingly.

(g) *Certificate.* A document evidencing compliance with the requirements of the regulations in this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

§ 301.48-2 *Regulated areas.* The following States, District, counties, townships, cities, towns, boroughs and districts or parts thereof, are hereby designated as regulated areas:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York, towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New

Gloucester, Raymond, Scarborough, Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State except the county of Garrett.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tiltonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; city of Auburn, and towns of Fleming, Owasco, and Sennett, in Cayuga County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris, in Livingston County; city of Rochester, towns of Brighton, Irondequoit, and Pittsford, and village of East Rochester, in Monroe County; town of Manchester, in Ontario County; town of Schroepfel, and cities of Fulton and Oswego, in Oswego County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and borough of Watkins Glen, in Schuyler County; town of Waterloo, in Seneca County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and city of Glens Falls, in Warren County.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; cities of Ashtabula and Conneaut, in Ashtabula County; city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; town-

ships of Kirtland, Mentor, and Willoughby, and villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in Lake County; townships of Madison and Newark and city of Newark, in Licking County; city of Toledo and township of Washington, in Lucas County; township of Madison and city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, cities of Niles and Warren, and villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in Trumbull County; and city and town of Marietta, in Washington County.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, and the boroughs of Blooming Valley, Cambridge Springs, Cochran, Conneaut Lake, Conneautville, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in Crawford County; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, LeBoeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, and Wattsburg, in Erie County; townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleville, and Stoneboro, in Mercer County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, King George, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial district of Port Royal in Caroline County; magisterial districts of Bermuda, Dale, Manchester, Matoaca, and Midlothian in Chesterfield County; town of Emporia, in Greensville County; town of West Point, in King William County; magisterial district of Sleepy Hole, in Nansemond County; magisterial district of Madison in Orange County; town of Shenandoah, in Page County; village of Schoolfield, in Pittsylvania County; town of Pulaski, in Pulaski County; magisterial districts of Hampton, Jackson, and Wakefield, in Rappahannock County;

magisterial district of Courtland, in Spotsylvania County; town of Front Royal, in Warren County; magisterial district of Newport, in Warwick County; magisterial district of Washington, in Westmoreland County; and cities of Alexandria, Charlottesville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Brooke, Hancock, Harrison, Jefferson, Lewis, Marion, Monongalia, Morgan, Ohio, Taylor, and Upshur; magisterial districts of Blue Sulphur and Fort Spring, in Greenbrier County; magisterial districts of Charleston, Elk, Loudon, and Malden, city of Charleston, and town of South Charleston, in Kanawha County; magisterial districts of Sand Hill, Union, Washington, and Webster, in Marshall County; city of Princeton, in Mercer County; town of Keyser and magisterial district of Frankfort, in Mineral County; magisterial district of Wolf Creek, in Monroe County; town of Rowlesburg, in Preston County; city of Hinton and magisterial districts of Greenbrier and Talcott, in Summers County; magisterial district of Lincoln, in Tyler County; town of Paden City, in Tyler and Wetzel Counties; cities of Parkersburg and Williamstown and magisterial districts of Lubbeck, Parkersburg, Tygard, and Williams, in Wood County.

§ 301.48-3 *Regulated articles* — (a) *Articles the movement of which is prohibited.* The movement of live Japanese beetles in any stage of development, except for scientific purposes, is prohibited. Provisions for the movement of live Japanese beetles in any stage of development, for scientific purposes, are set forth in § 301.48-10.

(b) *Articles the movement of which is regulated.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine and except as hereinafter otherwise provided, the movement of the following articles from regulated areas to points outside thereof is subject to the regulations in this subpart:

(1) Soil, humus, compost, and decomposed manure moved independent of or in connection with nursery stock or any other articles or things.

(2) Nursery stock.

(3) Unprocessed, fresh, cut flowers when moved in bulk.

(4) Fresh fruits and vegetables of all kinds when shipped by refrigerator car or motortruck only.

§ 301.48-4 *Conditions governing movement of regulated articles*—(a) *Certification.* Except as provided in

§ 301.48-5, or in administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine, articles designated in § 301.48-3 shall not be moved either on direct billing, diversion or reconsignment from the regulated areas to points outside the regulated areas, unless a certificate or permit shall have been issued therefor in compliance with § 301.48-5: *Provided*, That the issuance of a certificate or limited permit will not be required for the movement of the articles described in § 301.48-3 (b), (3) and (4), except during periods of adult flight of the beetle in such sections of the regulated area as shall be specified in annual administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine on the basis of anticipated heavy seasonal occurrence of the adult beetle. The above requirements shall also apply to the movement of all of these articles to such isolated regulated areas as may be designated in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine when it has been determined by him that such areas should be so protected.

(b) *Marking*. Every container of articles, the movement of which is subject to the regulations in this subpart, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with § 301.48-5: *Provided*, That (1) in the case of less-than-carload freight shipments other than by road vehicle, a certificate attached to one of the containers and another certificate attached to the waybill will be sufficient, and carlot freight or express shipments, either in containers or in bulk, require only a certificate attached to the waybill; (2) in the case of shipment by road vehicle, the certificate shall accompany the shipment and shall be surrendered to the consignee upon delivery of the shipment.

(c) *Articles originating outside the regulated area*. No certificates are required for the movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

§ 301.48-5 *Conditions governing the issuance of certificates and permits—(a) Certification of regulated articles*. Certificates may be issued for the movement of the regulated articles under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(b) *Safeguards against reinfestation*. Subsequent to certification, as provided in paragraph (a) of this section, the regulated articles must be loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Limited permits*. Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Bureau of Entomology and Plant Quarantine to maintain such sanitation safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated products and to the cleaning of cars, trucks, and other vehicles used in the transportation of such articles as may be required by the inspector.

§ 301.48-6 *Assembly of articles for inspection*. Persons intending to move any of the regulated articles shall make application for inspection as far in advance as possible, and will be required to prepare, handle, and safeguard such articles from infestation, and to assemble them at such points as the inspector shall designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.48-7 *Cancellation of certificates or permits*. Certificates or permits is-

sued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certification refused whenever he determines that the further use of such certificates or permits might result in the dissemination of infestation.

§ 301.48-8 *Cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning or treatment of trucks, wagons, cars, boats, and other vehicles or other means of transportation, and containers may be required by the inspector before movement to points outside of the regulated areas.

§ 301.48-9 *Inspection in transit.* Any car, vehicle, or container of any kind moved interstate or offered for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is controlled by the regulations in this subpart shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetles to non-infested localities, measures to eliminate infestation may be required by the inspector as a condition of further transportation or delivery.

§ 301.48-10 *Shipments for experimental and scientific purposes.* Live Japanese beetles in any stage of development and articles subject to requirements of the regulations in this subpart may be moved for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

SUBPART—PINK BOLLWORM

SOURCE: §§ 301.52 to 301.52-12 contained in Quarantine No. 52, 13 F. R. 3173, except as noted following sections affected.

QUARANTINE

§ 301.52 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having held the public hearings required thereunder, the Secretary of Agriculture

quarantines the States of Arizona, New Mexico, Oklahoma, and Texas, to prevent the spread of the pink bollworm, and under authority contained in the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), the Secretary of Agriculture hereinafter prescribes regulations governing the movement of pink bollworms and carriers thereof. Hereafter (a) okra, including all parts of the plants; (b) cotton, wild cotton, including all parts of both cotton and wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (c) bagging and other containers and wrappers of cotton and cotton products; (d) railway cars, boats, and other means of transportation which have been used in conveying regulated cotton products or which are fouled with such products; and (e) when contaminated with regulated cotton products, any other commodities, including farm products, farm household goods, and farm equipment, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations hereinafter made and amendments thereto: *Provided*, That the requirements of this quarantine and of the rules and regulations supplemental hereto are hereby limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, as long as, in the judgment of the Secretary of Agriculture, the enforcement of the said rules and regulations as to such regulated areas shall be adequate to prevent the spread of the pink bollworm, except that such limitation is further conditioned upon the affected State or States providing for and enforcing control of the intrastate movement of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed ade-

quate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the requirements contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof or for such article or articles as shall be specified in said administrative instructions.

REGULATIONS

§ 301.52-1 *Definitions*. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed respectively to mean:

(a) *Pink bollworm*. The insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saund.), in any stage of development.

(b) *Cotton and cotton products*. Cotton and wild cotton plants of the genera *Gossypium* and *Thurberia*, and products of these plants, including seed cotton; cottonseed; cotton lint and linters, and all forms of unmanufactured cotton fiber; cottonseed hulls, cake, and meal; gin waste; and all other parts of such plants.

(c) *Seed cotton*. All forms of cotton lint from which the seed has not been separated.

(d) *Lint*. All forms of unmanufactured cotton fiber except linters.

(e) *Linters*. All forms of unmanufactured cotton fiber separated from cotton seed after the lint has been removed.

(f) *Approved*. Officially sanctioned by the Chief of the Bureau of Entomology and Plant Quarantine.

(g) *Chief of the Bureau*. The Chief of the Bureau of Entomology and Plant Quarantine.

(h) *Certificate*. An approved document issued by an inspector evidencing the apparent freedom of restricted articles from the pest.

(i) *Limited permit*. An approved document issued by an inspector to al-

low movement of noncertified, restricted articles to or from authorized and designated gins, oil mills, and processing or manufacturing plants. Limited permits will also cover all movement of restricted articles while in the process of being made eligible for certification.

(j) *Dealer-carrier permit*. An approved document issued to persons or firms engaged in ginning, manufacturing, or processing restricted articles for subsequent movement from regulated areas, and to persons or firms moving restricted articles from regulated areas.

(k) *"Infestation"* (*"infested"*). The presence of the pink bollworm. (*"Infested"* shall be construed accordingly.)

(l) *"Moved"* (*"movement"* and *"move"*). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from any regulated area interstate to or through points outside thereof. (*"Movement"* and *"move"* shall be construed accordingly.)

(m) *Inspector*. An inspector of the United States Department of Agriculture.

(n) *Okra* (*Hibiscus esculentus*). Okra plants and products of the plants, including seed and edible and dry pods.

§ 301.52-2 *Regulated areas*. The following areas are hereby designated as regulated areas within the meaning of the regulations in this subpart and are further classed as heavily or lightly infested:

(a) *Heavily infested areas*.

Texas. Counties of Brewster, Cameron, Culberson, Jeff Davis, Hidalgo, Hudspeth, Presidio, Terrell, Willacy; and that part of El Paso County lying east of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80, where sec. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner; thence due north to the Texas-New Mexico boundary.

(b) *Lightly infested areas*.

Arizona. Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County¹ except that part

¹ Part of the lightly infested area in Arizona is regulated on account of the *Thurberia* weevil under Quarantine No. 61, and shipments therefrom must also comply with the requirements of that quarantine. (See § 301.61 et seq.)

lying west of the western boundary line of range 8 east.

New Mexico. Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

Oklahoma. Beckham, Caddo, Greer, Harmon, Jackson, Kiowa, Tillman, and Washita.

Texas. Counties of Andrews, Aransas, Atascosa, Bailey, Baylor, Bee, Bexar, Borden, Brazoria, Brooks, Brown, Burnet, Caldwell, Calhoun, Callahan, Chambers, Childress, Cochran, Coke, Coleman, Collingsworth, Comanche, Concho, Coryell, Cottle, Crane, Crosby, Dawson, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Erath, Fisher, Floyd, Foard, Frio, Gaines, Garza, Glasscock, Goliad, Gonzales, Gray, Guadalupe, Hale, Hall, Hamilton, Hardeman, Haskell, Hays, Hockley, Howard, Irion, Jackson, Jefferson, Jim Hogg, Jim Wells, Jones, Karnes, Kenedy, Kent, King, Kleberg, Knox, Lamb, Lampasas, La Salle, Liberty, Live Oak, Loving, Lubbock, Lynn, Martin, Mason, Matagorda, Maverick, McCulloch, McMullen, Medina, Menard, Midland, Mills, Mitchell, Motley, Nolan, Nueces, Orange, Pecos, Reagan, Reeves, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Starr, Sterling, Stone-wall, Taylor, Terry, Throckmorton, Tom Green, Upton, Uvalde, Victoria, Ward, Webb, Wharton, Wheeler, Wichita, Wilbarger, Wilson, Winkler, Yoakum, Zapata, and Zavala; that part of El Paso County lying west of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80 where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner, thence due north to the Texas-New Mexico boundary; and that part of Harris County lying east of the San Jacinto River and its tributary, the east fork of the San Jacinto River, and north of the Houston Ship Channel.

§ 301.52-3 *Articles the movement of which is limited or prohibited*—(a) *Articles prohibited movement.* The movement, except for experimental or scientific purposes under § 301.52-12, from any regulated area of live pink bollworms, gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products (other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake as provided in this subpart) is prohibited.

(b) *Articles the movement of which is limited*—(1) Seed cotton. The movement of seed cotton will be allowed only from lightly infested area to contiguous regulated area for the purpose of ginning, for which movement no permit is required.

(2) *Cottonseed produced in heavily infested area.* The movement of cottonseed produced within a heavily infested

area to points outside such area will be limited to contiguous lightly infested area under the conditions provided in § 301.52-4 (c) (2) either for planting therein or for processing in designated authorized oil mills.

(c) *Articles conditionally authorized movement.* Cotton lint and linters, either baled or unbaled, cottonseed produced in lightly infested area, cottonseed hulls, meal, and cake, and okra may be moved (1) from regulated area to points outside thereof, or (2) from regulated area to noncontiguous regulated area, or (3) from heavily infested to contiguous lightly infested area, only when accompanied by a certificate or permit as hereinafter provided. No certificates or permits are required for the movement of articles listed in this paragraph from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous heavily infested area.

§ 301.52-4 *Conditions governing the issuance of certificates and permits*—(a) *Cotton lint.* A certificate may be issued for the movement of baled cotton lint originating in a regulated area when said cotton lint has been produced in an approved gin and has been given any one of the following treatments under the supervision of an inspector and subsequently protected from contamination: (1) Passed to bat form between approved heavy steel rollers set not more than $\frac{1}{64}$ inch apart; or (2) given approved vacuum fumigation; or (3) given standard or high density compression: *Provided*, That lint cotton from Presidio and Brewster Counties, Texas (part of the heavily infested area), may be moved only when treated as specified under subparagraphs (1) or (2) of this paragraph.

(b) *Cotton linters.* Certificates may be issued for the movement of linters from any regulated area when produced from sterilized seed in an approved oil mill, and subsequently protected from contamination.

(c) *Cottonseed*—(1) *From lightly infested area.* A certificate may be issued for the movement of cottonseed originating in a lightly infested area, to any destination, when produced in an approved gin within the area after said seed has been heated to a temperature of 150° F. for a minimum period of 30 seconds, as a part of the continuous process of ginning, under the supervision of an inspector, and subsequently pro-

tected from contamination: *Provided*, That heat treatment incidental to certification may be accomplished at plants designated by the Chief of the Bureau as provided in § 301.52-5.

(2) *From heavily infested area.* Limited permits may be issued for movement from a heavily infested area of cottonseed originating in such area after the seed has been treated under supervision of an inspector in a manner prescribed by the Chief of the Bureau, and when it is consigned only to contiguous lightly infested area for planting therein.

All other cottonseed originating in a heavily infested area will be authorized movement under a limited permit only to contiguous lightly infested area for processing therein in an oil mill designated under authority of the Chief of the Bureau, under the following conditions: When the seed has been treated and protected as provided in paragraph (c) (1) of this section for seed from the lightly infested area, and (i) has been given a second heat treatment at a temperature of 155° F. for a minimum period of 60 seconds under the supervision of an inspector, at a plant operated separate and apart from the gin or gins which applied the initial heat treatment as a part of the continuous process of ginning, and when the seed has been subsequently protected from contamination; or (ii) when the seed is given, under the supervision of an inspector, the foregoing second heat treatment at the designated oil mill, on arrival. The cars or other vehicles conveying the seed to the designated oil mills must be cleaned and sterilized, under the supervision of an inspector, immediately after unloading. This also applies to cars or vehicles conveying seed that has been given the second heat treatment either under subdivisions (i) or (ii) of this subparagraph.

(d) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector, and subsequently protected from contamination.

(e) *Samples of lint cotton and linters.* A certificate may be issued for the movement of samples of lint cotton and linters (approximately 1½ pounds) originating in a regulated area without restrictions other than that the bales of lint cotton

or linters from which the samples have been taken have been produced in an approved gin or oil mill and subsequently protected from contamination.

(f) *Okra.* Certificates may be issued for the movement of edible okra produced in a heavily infested area under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions in the judgment of an inspector as to render it free from infestation; (3) when processed or treated in accordance with administrative instructions issued by the Chief of the Bureau. Okra produced in a lightly infested area under such conditions as to render it free from infestation may move without treatment or certification.

§ 301.52-4a *Administrative instructions authorizing additional methods of treating cottonseed—*(a) *Cottonseed from lightly infested area.* In lieu of the heat treatment upon arrival at designated oil mills or other treating plants prescribed in § 301.52-4 (c) (1) as a condition of certification for interstate movement, to any destination, of cottonseed originating in the counties of Andrews, Bailey, Baylor, Borden, Brown, Callahan, Childress, Cochran, Coke, Coleman, Collingsworth, Concho, Cottle, Crane, Crosby, Dawson, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Howard, Irion, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Martin, Mason, McCulloch, Menard, Midland, Mitchell, Motley, Nolan, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Taylor, Terry, Throckmorton, Tom Green, Upton, Wheeler, Wichita, Wilbarger, and Yoakum, in Texas, the counties of Beckham, Caddo, Greer, Harmon, Jackson, Kiowa, Tillman, and Washita, in Oklahoma, and the counties of Lea and Roosevelt, in New Mexico, such cottonseed may be certified after methyl bromide fumigation under the supervision of an inspector in the following manner:

(1) *Equipment.* The fumigation chamber shall be cylindrical in shape, with walls and top made of sheet steel. All joints or seams must be gastight. It shall have a foundation and base of concrete. The chamber shall have a false floor raised at least 12" above the concrete bottom perforated by ¼" holes 4

inches apart in each direction. The floor joists shall be staggered so that free circulation of air beneath the floor can be obtained. It will be permissible to install a screw conveyor beneath the floor, protected by an inverted V-shaped tunnel, to remove cottonseed from the chamber. All entrances to the chamber, except the exit conveyor channel, must be provided with covers that can be clamped in place against sponge rubber gaskets, or be sealed in some manner, to provide a gastight closure.

Each chamber must be provided with a circulatory system which can draw air from beneath the false floor and return it to the top of the chamber above the load line. This system can be contained entirely within the tank by boxing in the motor and blower on the floor near one wall, and running the return duct up the inside of the wall. If the blower and return duct are outside of the chamber, the blower housing and all ducts must be gastight. The blower intake shall be connected to two lateral ducts, one across the center of each half of the bottom of the chamber. These ducts shall have four or five openings spaced equidistant along their length, and adjusted so as to take in approximately equal portions of air at each opening. The duct may be buried in the concrete floor with only the risers opening above the level of the concrete, or it can be laid directly on the concrete surface.

The blower shall have sufficient capacity to establish air circulation through a full load of cottonseed within 10 minutes. (This fact will be determined by pressure readings above and below the load of cottonseed.)

NOTE: In experimental tests, a blower with a blade wheel 40" in diameter, run at 1,800 r. p. m., established air circulation in 8 minutes in a 54,580 cu. ft. chamber through seed 40' deep. As near as can be determined, this blower had a rating of 6,000 to 8,000 c. f. m. at a static pressure of 10".

The return duct shall be arranged so that the discharge can be diverted to the open air in order that the fumigant can be evacuated at the end of the exposure period.

(2) *Approval.* Any person contemplating the erection of equipment for use under these instructions should submit plans of the proposed structure to the Bureau of Entomology and Plant Quarantine for approval. After construction, the Bureau of Entomology and Plant

Quarantine will require such performance tests of the loaded chamber as it shall deem necessary, before final approval is granted.

(3) *Dosage.* The dosage of methyl bromide shall be as follows:

At average seed temperatures of 60° F. or above, the dosage rate shall be 4 lb. of methyl bromide per 1,000 cu. ft. of chamber space.

At average seed temperatures below 60° F., the dosage rate shall be 5 lb. of methyl bromide per 1,000 cu. ft. of chamber space.

The exposure period shall be of 24 hours duration.

The dosage shall be introduced as a spray into the return duct at some point beyond the blower.

The circulatory system shall be operated at the beginning for a period to be designated by the inspector in charge.

(b) *Cottonseed from heavily infested area.* Cottonseed located within heavily infested areas, as defined in § 301.52-2, which has been treated as provided in § 301.52-4 (c) (1) as a part of the continuous process of ginning and subsequently protected from contamination, and in addition has been given, within the heavily infested area, any one of the following additional treatments in approved equipment under the supervision of an inspector and in a manner approved by him, may be certified for movement interstate to any destination.

(1) *Additional heat treatment.* A second heat treatment shall be given with steam as the heating medium in an apparatus separate and apart from the gin or gins which applied the initial heat treatment. The mass temperature of the seed must be raised to at least 155° F. during an exposure period of 2 minutes. The exposure period in the length of time required for the seed to travel from point of entrance into the heater to the point where the temperature reading of the seed is taken beyond the exit of the heater. The heating apparatus must be so constructed as to apply an adequate amount of live steam to the seed promptly upon entrance into the apparatus, and radiated heat for the full length of the heating unit. The apparatus shall be constructed so as to assure a constant and uniform flow of cottonseed through the machine when in operation and equipped with devices which will stir the seed so as to expose each seed to both the introduced steam and

radiated heat during the entire exposure period.

(2) *Methyl bromide fumigation of sacked cottonseed.* The seed shall be treated in an approved fumigation chamber with methyl bromide at a dosage of 3 pounds per 1,000 cubic feet for an exposure period of 24 hours. The seed shall be sacked and stacked on a floor rack which will allow circulation beneath the seed. The bulk temperature of the seed at the beginning of the fumigation shall be 60° F. or above. A circulating fan shall be operated for a period of 30 minutes after the introduction of the fumigant.

An approved fumigation chamber shall be one lined with sheet metal, with all openings fitted tightly against a double row of molded sponge rubber gasketing. Chambers with more than 100 cubic feet capacity shall have a combination circulating and venting system. Chambers of less than 100 cubic feet shall have a circulating fan. All chambers must pass a pressure test whereby the time lapse is more than 22 seconds for an internal pressure of 50 mm. on a kerosene-filled open arm manometer to recede to 5 mm. pressure.

(3) *Methyl bromide fumigation of bulk cottonseed.* As an alternative treatment, the type of methyl bromide fumigation authorized in paragraph (a) of this section for certain counties in the lightly infested area may be employed as the additional treatment.

The Bureau of Entomology and Plant Quarantine has made tests which show that methyl bromide fumigation of cottonseed does not affect its germination or processing qualities. It has not, however, had an opportunity to test seed under all conditions or from all areas. Those who elect to use this method of treatment are, therefore, hereby notified that no liability shall be attached to the Department of Agriculture or any of its employees for damage to seed that might result from application of the treatment of cottonseed with methyl bromide.

[BEPQ 558, Rev., 13 F. R. 3177, redesignated at 13 F. R. 7382]

§ 302.52-5 *Limited permits.* Limited permits will be issued for the movement of noncertified, restricted articles to such gins, oil mills, or processing or manufacturing plants as may be authorized and designated by the Chief of the Bureau for manufacturing, processing, or treatment

incidental to preparing such products for certification. As a condition of such authorization and designation, operators of gins, oil mills, or manufacturing, or processing plants must agree in writing to handle restricted articles as to segregation of processed and nonprocessed products, efficient functioning of processing equipment, disposition of waste, use of uncontaminated containers of processed products, prevention of contamination of processed products, and the maintenance of identity of regulated and non-regulated products in such a manner as to prevent the spread of the pink bollworm; and to maintain such other sanitary safeguards and restrictions against the establishment and spread of infestation as may be required by the inspector.

§ 301.52-6 *Articles originating outside the regulated area.* Regulated articles originating outside the regulated area may be certified for movement from a regulated area without processing, treatment, or sterilization if, while in the regulated area, these products have been handled and stored in such a manner as to maintain identity and as to prevent infestation or contamination with other restricted articles originating in the regulated area.

§ 301.52-7 *Cleaning or treating requirements for other articles when contaminated with cotton or cotton products originating within a regulated area.* When infested with live pink bollworms or contaminated with cotton or cotton products originating within a regulated area, railway cars, boats, and other means of transportation, cotton bagging and other containers of cotton, cotton processing machinery, farm household goods, farm equipment, farm products, and any other articles shall not be moved from a regulated area until freed from such infestation or contamination to the satisfaction of an inspector, after which cleaning or treatment no certificate or permit will be required except for cotton bagging, or other containers of cotton, and cotton processing machinery.

§ 301.52-8 *Dealer - carrier permits.* As a condition of issuance of certificates or limited permits for the movement of restricted articles, those persons engaged in purchasing, assembling, ginning, processing, or carrying such restricted articles originating or stored in regulated areas, shall (a) make application for a dealer-carrier permit to the Bureau of

Entomology and Plant Quarantine, Federal Building, San Antonio 6, Tex., and (b) agree to maintain an accurate record of receipts and sales, shipments or services, when so required (which record shall be available at all times for examination by an inspector), and (c) agree to carry out any and all conditions, treatments, precautions, and sanitary measures which may be required by the inspector.

§ 301.52-9 *Cancellation of certificates.* Any certificates, limited permits, or dealer-carrier permits issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits refused, whenever, in the judgment of the Chief of the Bureau, the further use of such certificates or permits might result in the dissemination of the pink bollworm.

§ 301.52-10 *Authorization of alternate treatments.* When in the judgment of the Chief of the Bureau more effective methods of treatment, processing, or sterilization shall have been developed or when methods of treatment, processing, or sterilization as stipulated in the regulations in this subpart are found unsatisfactory by him, he is authorized to alter them or substitute other requirements.

§ 301.52-11 *General certification provisions and marking and labeling requirements.* To obtain certificates or limited permits under the regulations in this subpart application shall be made either to the local inspector or to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio 6, Texas.

Certificates or permits required under the regulations in this subpart shall be securely attached to the outside of each container of restricted articles, or, in the case of carlot or bulk shipments by freight, to the waybills or other shipping papers which accompany the shipment. In the case of movement by road vehicle, such certificate or permit shall accompany the vehicle. Each container of restricted articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

The United States Department of Agriculture shall not be responsible for any costs incident to inspection or treatment, other than the services of inspectors.

§ 301.52-12 *Shipments for experimental and scientific purposes.* Live pink bollworms in any stage of development and products or articles subject to requirements of the regulations in this subpart may be moved for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

SUBPART—PUERTO RICAN FRUITS AND VEGETABLES

SOURCE: §§ 301.58 to 301.58-14 contained in BEPQ-Q. 58, 6 F. R. 582, except as noted following sections affected.

QUARANTINE

§ 301.58 *Notice of quarantine.* Under the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161), Puerto Rico is quarantined effective on and after January 22, 1941, in order to prevent the spread therefrom of certain injurious insects, including the fruitflies *Anastrepha suspensa* (Loew), and *A. mombinpraeoptans* Sein, and probably still other fruit-fly species, and the bean pod borer *Maruca testulalis* (Geyer), not heretofore widely prevalent or distributed within and throughout the United States. As provided in the said Plant Quarantine Act, fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, transported, moved, or allowed to be moved from Puerto Rico into or through any other State or Territory or District of the United States, in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto and in amendments thereof: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instruc-

tions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective.

This section leaves in full effect § 301.30, which prohibits the movement from Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States of all varieties of sweetpotatoes (*Ipomoea batatas*).

RULES AND REGULATIONS

§ 301.58-1 *Definitions*—(a) *Fresh fruits and vegetables*. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) *Plant litter*. Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) *Inspector*. An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

§ 301.58-2 *Fruits and vegetables the movement of which is prohibited*. Movement from Puerto Rico into or through any other State, Territory, or District of the United States of fruits of mango (*Mangifera* spp.), jobo (*Spondias* spp.), guava (*Psidium guajava*), and pomarrosa or rose apple (*Eugenia jambos*), and all other fruits and vegetables for which movement is not authorized in § 301.58-3, is prohibited: *Provided*, That any fruit or vegetable, the movement of which is thus prohibited, may be removed from a prohibited status and included in the list for which movement is authorized in § 301.58-3, by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when evidence satisfactory to him is obtained that the movement of the product in question, either subject to a specified treatment, or as packed and shipped, will not result in the dissemination of injurious insects.

§ 301.58-3 *Fruits and vegetables the movement of which is authorized*.¹ (a)

¹ The following are not interpreted as fresh fruits and vegetables within the meaning of § 301.58-1: Cocoanuts, breadnuts, dried peas and beans, dried seeds, dried or cured medicinal plants and herbs, anatto seeds (achiote), gourd (higuero), cannon-ball fruits (*Couroupita gulanensis*), and cut flowers.

Subject to the conditions and limitations noted herein, and to such treatment as is herein or may hereafter be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, the following fruits and vegetables may be moved or allowed to be moved from Puerto Rico into or through any other State, Territory, or District of the United States when such fruits or vegetables are free from plant litter, are marked in compliance with § 301.58-6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or to have been given the prescribed treatment:

String beans, lima beans, faba beans, and pigeonpeas, in the pod, will be certified for movement only when they have been treated as prescribed by the Chief of the Bureau of Entomology and Plant Quarantine and under the supervision of an inspector.

Citrus fruits (orange, grapefruit, lemon, citron, and lime).

Corn (sweet corn on cob).

Peppers.

(b) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of the regulations in this subpart, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).

Allium spp. (onion, chive, garlic, leek, scallion, shallot).

Anise (*Pimpinella anisum*).

Apio, celery root (*Arracacia xanthorrhiza*).

Arrowroot (*Maranta arundinacea*).

Artichoke, Jerusalem (*Helianthus tuberosus*).

Asparagus.

Avocado.

Balsamapple, balsam-pear (*Momordica balsamina*; *M. charantia*).

Banana and plantain (fruit).

Banana leaves (fresh, without stalks or midrib).

Beans (fresh shelled lima and faba beans).

Beet, including Swiss chard.

Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).

Breadfruit, jackfruit (*Artocarpus* spp.).

Cacao bean (*Theobroma cacao*).

Carrot.

Celery.

Chayote (*Sechium edule*).

Chicory, endive (*Cichorium intybus*).

Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.

Cucumbers, including Angola cucumber (*Sicana odorata*).

Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).

Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).

Eggplant.

Fennel.

Ginger root (*Zingiber officinale*).

Kudzu (*Pueraria thunbergiana*).

Lerens, sweet corn root (*Calathea allouia*).

Lettuce.

Mangosteen (*Garcinia mangostana*).

Mustard greens.

Palm hearts.

Papaya, lechosa (*Carica papaya*).

Parsley.

Parsnip.

Peas (in pod) (*Pisum sativum*).

Pigeonpea (fresh shelled).

Pineapple.

Potato.

Quenepa (*Melicocca bijuga*).

Radish.

Rhubarb.

Rutabaga.

Spinach.

Squash, pumpkin, watermelon, vegetable marrow, cantaloup, calabaza.

Strawberry.

Tamarind beanpod (*Tamarindus indica*).

Tomato.

Turnip.

Watercress.

Waterlily root, lotus root (*Nelumbium nelumbo*).

Yam, flame (*Dioscorea* spp.).

Yautia, tanier (*Xanthosoma* spp.).

Yuca, cassava (*Manihot esculenta*).

§ 301.58-3a *Administrative instructions; shipment of oranges and grapefruit from Puerto Rico to the mainland subject to treatment under supervision.* Investigations in treating fruit for the fruitfly *Anastrepha suspensa* (Loew) have demonstrated that the holding of the fruits at certain prescribed tempera-

tures for certain periods will kill all stages of this insect.

The interstate shipment, subject to one of the following prescribed treatments, is therefore authorized for Puerto Rican oranges and grapefruit otherwise ineligible for the usual certification given under the provisions of § 301.58.

(a) *Heat treatment.* Heating the fruit with air at 100 percent relative humidity for a period of not less than 16 hours during which time the temperature at the approximate centers of the fruits shall be raised to 110° F. or above and maintained at 110° F. or above for the last 8 hours of such treatment.

(b) *Cold treatment.* Cooling until the approximate centers of the fruits reach a temperature of 34° F. or below and holding the fruits so that the inside temperature does not exceed 34° F. for a period of 15 days.

Either the heat treatment or the cold treatment may be employed at the shipper's option and at his expense provided that adequate facilities are available and arrangements for supervision can be made. Information on the application of the prescribed treatments may be had on application to the Bureau of Entomology and Plant Quarantine.

While injury to the fruits is not expected to result from either treatment, no liability shall be attached to the United States Department of Agriculture on account of any claim of damage to such fruits attributed to either treatment.

On and after January 15, 1940, certification for shipment to mainland destinations under § 301.58 will be given to Puerto Rican oranges and grapefruit which have been subjected to either of the above prescribed treatments carried out under supervision of a plant quarantine inspector of the United States Department of Agriculture at a treating plant approved for the purpose.

[BEPQ 505, 5 F. R. 73]

§ 301.58-3b *Administrative instructions; treatment requirement for green string beans, lima beans, faba beans, and pigeonpeas, in the pod, moving from Puerto Rico.* Treatment is prescribed for green string beans, lima beans, faba beans, and pigeonpeas, in the pod, moving by freight or express from Puerto Rico to any other State, Territory, or District of the United States, effective November 15, 1941, as follows:

(a) *Vacuum fumigation.* Treatment is to be given in a standard vacuum fumigation vault equipped with a blower, with a 15-inch vacuum maintained throughout the period, at any temperature above 34° F., with a dosage of 3 pounds of methyl bromide per 1,000 cubic feet of space, including the load, for 1½ hours.

(b) *Atmospheric fumigation.* Treatment is to be given in an approved atmospheric fumigation vault provided with a circulating fan, for a period of 2 hours, with dosages of methyl bromide as follows: (1) if the mass temperature is between 50° and 70° F., the dosage shall be at the rate of 3 pounds per 1,000 cubic feet of space, including the load; (2) if the mass temperature is above 70° F., the dosage shall be at the rate of 1½ pounds per 1,000 cubic feet of space, including the load.

NOTE: Atmospheric fumigation is not recommended at temperatures below 50° F.

Treatment vaults and equipment will be approved for fumigation purposes by the Bureau of Entomology and Plant Quarantine through the local plant quarantine inspector only when reasonably accessible for supervision purposes and when properly constructed and equipped to carry out the treatment prescribed.

All costs of treatment other than the services of the supervising inspector shall be borne by the owner of the products, or his representative.

While the prescribed treatment is judged from experimental tests to be safe for use with these products the Department assumes no responsibility for any damage sustained through or in the course of treatment.

Shipments of small lots of these products may be certified for shipment by parcel post without fumigation when they have been examined by an inspector and found free from infestation.

[BEPQ 518, 6 F. R. 5891]

§ 301.58-4 *Application for inspection.* Persons intending to move any of the fruits or vegetables for which certification is required under § 301.58-3 from Puerto Rico into or through any other State, Territory, or District of the United States shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the fruits or vegetables which it is proposed to move, their identifying marks

and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine.

§ 301.58-5 *Certification of shipments.* Fruits and vegetables for which certification is required under § 301.58-3 shall not be moved from Puerto Rico into or through any other State, Territory, or District of the United States, by ship, vessel, aircraft, or otherwise, unless each shipment is accompanied by a certificate issued by an inspector showing that such fruits or vegetables have been inspected and pronounced free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or that the required treatment has been given. Copies of inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

No charge will be made for the inspector's service in inspection and certification, but all costs for labor, cartage, storage, packing and unpacking, and other expenses incidental to inspection shall be borne by the shipper. Applicants for inspection shall place the fruits or vegetables to be inspected so that they can be readily examined; if not so placed, inspection will be refused.

§ 301.58-6 *Marking of containers.* No fruits or vegetables for which certification is required under § 301.58-3 shall be moved from Puerto Rico into or through any other State, Territory, or District of the United States unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

§ 301.58-7 *Fruits and vegetables as ships' stores or in the possession of passengers and crew.* The movement of fruits and vegetables is permitted from Puerto Rico as ships' stores or in the possession of passengers and crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States: *Provided*, That all such products, on arrival in the United States must be submitted for inspection and disposition as provided in §§ 301.58-8 and 301.58-11, and (a) they must be free from infestation with injurious insects; (b) those fruits and vegeta-

bles not listed in § 301.58-3 shall not be landed; (c) prohibited fruits and vegetables retained aboard shall be subject to the safeguards provided in § 352.8 of this chapter.

§ 301.58-8 *Inspection of vessels.* Inspectors are authorized to enter upon ships, vessels, and aircraft from Puerto Rico at any time after they come within the territory or territorial waters of any other State, Territory, or District of the United States, whether in the stream or at the dock, wharf, mole, or landing field for the purpose of ascertaining by inspection whether any of the fruits and vegetables covered by this subpart are contained in such ships, vessels, or aircraft as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.

§ 301.58-9 *Disinfection of vessels.* Disinfection under the direction of and in the manner prescribed by the inspector of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States upon arrival at the dock, wharf, mole, or landing field may be required if the ship, vessel, or aircraft is found to contain or to be contaminated with any of the fruits or vegetables infested with injurious insects. Such disinfection shall be performed by the person having charge or possession of the ship, vessel, or aircraft and at a place satisfactory to the inspector. When such ship, vessel, or aircraft has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession thereof a certificate to that effect.

§ 301.58-10 *Inspection of cargo.* Inspectors are authorized to ascertain by inspection of the cargo of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States at the port of first arrival, that each lot or shipment moving under certification agrees in nature and amount with the certificate, and that all shipments of fruits and vegetables for which a certificate is required are duly certified; to determine, in the case of fruits and vegetables the movement of which is not authorized, if infestation is present; and to require for such unauthorized shipments safeguards, treatment, return, or destruction, as may be necessary to prevent the dissemination of injurious insects.

§ 301.58-11 *Inspection of baggage.* Inspectors are authorized to ascertain by inspection whether any of the fruits or vegetables covered by this subpart are contained in the baggage or other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States, to determine whether the same are infested with injurious insects, and in the case of infested or unauthorized products to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by this subpart. Such baggage inspection shall be made at the dock, airport, or landing field at the port of debarkation within any State, Territory, or District of the United States other than Puerto Rico, as the inspector may require, and no such baggage or personal belongings of passengers or crew shall be removed from such dock, airport, or landing field until the same have been inspected and passed by an inspector.

§ 301.58-12 *Baggage declarations.* Before any ship, vessel, or aircraft from Puerto Rico arrives within the boundaries of any other State, Territory, or District of the United States, the master, captain, or other person having charge or possession of any such ship, vessel, or aircraft shall cause to be distributed to each passenger thereon a baggage declaration¹ to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, § 301.58, and the regulations in this subpart. These baggage declarations, after being executed and signed by the passengers, shall be collected and delivered to the inspector at the port of debarkation.

§ 301.58-13 *Parcel post inspection.* Inspectors are authorized to inspect, with the cooperation of the United States Post Office Department, parcel post packages placed in the mails in Puerto Rico, to determine whether such packages contain fruits or vegetables the movement of which is not authorized under this subpart, to examine fruits and

¹ Form EQ-911.

vegetables so found for insect infestation, and to notify the postmaster in writing of any violation of this subpart in connection therewith.

§ 301.58-14 *Movement by the Department of Agriculture.* Sections 301.58 to 301.58-13 shall not apply to movement of fruits and vegetables from Puerto Rico by the United States Department of Agriculture for experimental or scientific purposes.

SUBPART—SAND, SOIL, OR EARTH, WITH PLANTS FROM HAWAII AND PUERTO RICO

§ 301.60 *Notice of quarantine.* The Secretary of Agriculture, under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), the required public hearing having been duly given, and having determined that it is necessary to quarantine the Territories of Hawaii and Puerto Rico to prevent the spread, by means of sand, soil, or earth about the roots of plants, of immature stages of certain injurious insects, including *Phyllophaga* spp. (white grubs), *Phytalus* sp., *Adoretus* sp., and of several species of termites or white ants, new to and not heretofore widely prevalent or distributed within and throughout the United States, does hereby quarantine the said Territories of Hawaii and Puerto Rico, effective on and after September 1, 1936. Thereafter, pursuant to the provisions of the said act of August 20, 1912, sand (other than clean ocean sand), soil, or earth around the roots of plants, shall not be shipped, offered for shipment to a common carrier, received for transportation, or transported by a common carrier, carried, transported, moved, or allowed to be moved from the Territories of Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States: *Provided*, That this prohibition shall not apply to sand, soil, or earth around the roots of plants which are carried, for ornamental purposes, on vessels into mainland ports of the United States and which are not intended to be landed thereat, when evidence is presented satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine of the Department of Agriculture (a) that such sand, soil, or earth has been so processed or is of such nature that no pest risk is involved, or (b) that the plants with sand, soil, or earth around them are maintained on board under such safeguards as will preclude pest escape.

The prohibition of this section shall not apply to the movement of sand, soil, or earth around the roots of plants moved from the Territories of Hawaii and Puerto Rico for experimental or scientific purposes by the United States Department of Agriculture.

[Notice of Quarantine 60, rev., Aug. 14, 1936]

SUBPART—THURBERIA WEEVIL

SOURCE: §§ 301.61 to 301.61-15 contained in Notice of Quarantine No. 61, revised, July 9, 1927, Sept. 30, 1933; except as noted following sections affected.

QUARANTINE

§ 301.61 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U. S. C. 161), and having duly given the public hearing as required thereby, the Secretary of Agriculture does hereby quarantine the State of Arizona, effective on and after August 1, 1927. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid (a) *Thurberia*, including all parts of the plant; (b) cotton, including all parts of the plant, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton lint, gin waste, cottonseed, cottonseed hulls, cottonseed cake and meal; (c) bagging and other containers and wrappers of cotton and cotton products; (d) railway cars, boats, and other vehicles which have been used in conveying cotton and cotton products or which are fouled with such products; (e) hay and other farm products; and (f) farm household goods, farm equipment, and, if contaminated with cotton, any other articles, shall not be shipped, offered for shipment to a common carrier, received for transportation, or transported by a common carrier, or carrier, transported, moved, or allowed to be moved from the State of Arizona into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this section and of the rules and regulations supplemental thereto may be limited to the areas in the State of Arizona now, or which may be hereafter, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Sec-

retary of Agriculture, the enforcement of the aforesaid rules and regulations as to such-regulated areas shall be adequate to prevent the spread of the *Thurberia* weevil: *Provided further*, That such limitation shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the *Thurberia* weevil therefrom to other parts of the State.

RULES AND REGULATIONS

§ 301.61-1 *Definitions*. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Thurberia weevil*. The insect known as the *Thurberia* weevil (*Anthonomus grandis thurberiae* Pierce), in any stage of development.

(b) *Cotton and cotton products*. Cotton, wild cotton, including all parts of cotton or wild cotton plants (plants of any species of the genera *Gossypium* and *Thurberia*); seed cotton; cotton lint and linters, including all forms of unmanufactured cotton lint and linters; gin waste; cottonseed; cottonseed hulls, cake, and meal.

(c) *Lint*. All forms of unmanufactured fiber produced from seed cotton.

(d) *Linters*. All forms of unmanufactured fiber produced from cottonseed.

(e) *Sterilized seed*. Cottonseed which has been sterilized as a part of the continuous process of ginning at a temperature of not less than 145° F. in an approved plant, under the supervision of an inspector, for such a period and in such manner and method as is authorized by the Bureau of Entomology and Plant Quarantine.

(f) *Inspector*. An inspector of the United States Department of Agriculture.

(g) *Moved or allowed to be moved interstate*. Shipped, offered for shipment to a common carrier, received for transportation, or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

§ 301.61-2 *Limitation of restrictions to regulated areas*. Conditioned upon

the compliance on the part of the State of Arizona with the provisos in § 301.61, the restrictions provided for in the regulations in this subpart on the interstate movement of the articles enumerated in said section, except as to *Thurberia* (see § 301.61-5), will be limited to such articles when moving from the areas in the State of Arizona now or hereafter designated by the Secretary of Agriculture as regulated areas: *Provided*, That, except as to *Thurberia* (see § 301.61-5), the articles enumerated in § 301.61 may move interstate from an area not under regulation through a regulated area when such movement is on a through bill of lading.

§ 301.61-3 *Regulated area*. In accordance with the provisos to § 306.61, the Secretary of Agriculture designates as regulated area the counties, or portions thereof, of Graham, Cochise, Santa Cruz, Pima, and Pinal, of the State of Arizona, embraced within the following-described boundary line, including all cities, towns, townships, and other political subdivisions within their limits:

Beginning at the most southeasterly corner of Greenlee County; thence westerly along the most southerly line of said county to the most southwesterly corner of said county; thence northwesterly along the county line of Greenlee and Graham Counties to the point where the township line between township ten (10) south and township eleven (11) south as surveyed, or as would be if surveyed, intersects or would intersect, the county line between Graham and Greenlee Counties; thence west along the said township line between township ten (10) south and township eleven (11) south as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the line between the townships in range twenty-three (23) east and range twenty-four (24) east; thence north along the township line between the townships in range twenty-three (23) east and range twenty-four (24) east as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the township line between township six (6) south and township seven (7) south; thence west along the said township line between township six (6) south and township seven (7) south as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the line between the townships in range eight (8) east and range nine (9) east; thence south along the township line between the townships in range eight (8) east and range nine (9) east as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the township line

between township eight (8) south and township nine (9) south; thence west along the township line between township eight (8) south and township nine (9) south as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the line between the townships in range seven (7) east and range eight (8) east; thence south along the township line between the townships in range seven (7) east and range eight (8) east as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the boundary line between Pima County and the Republic of Mexico; thence southeasterly and easterly along the boundary line between the State of Arizona and the Republic of Mexico to the point where the said boundary line intersects the boundary line between the States of New Mexico and Arizona; thence northerly along the boundary line between the States of New Mexico and Arizona to the point of beginning.

All townships, township lines, and ranges referred to in the above-described area are of the Gila and Salt River base and meridian. [Reg. 3, R. & Regs., as amended Oct. 22, 1936]

§ 301.61-4 *Extension or reduction of regulated areas.* The regulated areas may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the State of Arizona and by publication in one or more newspapers selected by the Secretary of Agriculture within the said State.

§ 301.61-5 *Prohibited movement.* No *Thurberia* plants or parts thereof shall be moved or allowed to be moved interstate from any point in Arizona, and no permit will be issued for such movement.

No seed cotton, grabbots, or stalks, bolls, or other parts of the cotton plant, or gin waste, shall be moved or allowed to be moved interstate from a regulated area, and no permit will be issued for such movement.

§ 301.61-6 *Cottonseed.* Cottonseed shall not be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for such movement of samples of sterilized seed to an approved laboratory in nonregulated territory for analysis, or of samples to be moved for some other approved purpose.

Permits may also be issued for the interstate movement of sterilized seed to an authorized oil mill in nonregulated territory for crushing. As one of the conditions for such authorization, oil mills in such non-regulated territory must agree to maintain such safeguards against the spread of infestation and to comply with such restrictions on the subsequent movement of the linters and other products manufactured from the seed concerned as may be required by the Bureau of Entomology and Plant Quarantine.

Permits may be issued for the interstate movement of seed to any destination on condition that the seed has been given a special heat treatment at 145° F. maintained under approved conditions for a period of 1 hour and subsequently has been protected from contamination or has been given such other treatment as may later be approved by the Bureau of Entomology and Plant Quarantine.

In cases where in the judgment of the Bureau of Entomology and Plant Quarantine the carrying out of the treatments required in this regulation becomes impracticable owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of cottonseed from a regulated area on such conditions as may be prescribed by that Bureau.

Cottonseed produced outside of but brought within a regulated area may be moved interstate from such area under permit on condition that while in the area the seed has been protected from contamination in a manner satisfactory to the inspector.

§ 301.61-6a *Administrative instructions; approval of alternative treatments for cottonseed as a condition for interstate movement from the area regulated under quarantine No. 61.* Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine under § 301.61-6, which provides that permits may be issued for the interstate movement of cottonseed from the regulated area on such conditions as may be prescribed by that Bureau, the Bureau hereby approves any one of the following alternative treatments and permits may be issued for the interstate movement of cottonseed so treated:

When the cottonseed has been sterilized to 145° F. as a part of the continuous process of ginning and, in addition, has been treated by sulphuric acid

and screening; or has been given a special heat treatment at 145° F. maintained under approved conditions for a period of thirty (30) minutes; or has been heated to a temperature of 155° F. in an approved manner separate and apart from ginning operations, and subsequent to any one of these treatments has been protected from contamination to the satisfaction of the inspector.

[BEPQ 436, rev. July 27, 1937]

§ 301.61-7 *Lint and samples.* Lint and samples thereof shall not be moved or allowed to be moved interstate from a regulated area unless a permit has been issued therefor by the United States Department of Agriculture.

Permits may be issued for such movement of lint or samples thereof produced in a regulated area on condition that the lint was produced in a gin operated as to seed sterilization and the prevention of contamination to the satisfaction of the inspector and upon compliance with the following additional requirements, which shall be carried out under the supervision of an inspector and in manner and by method approved by the Bureau of Entomology and Plant Quarantine:

Baled lint must be either vacuum fumigated, or compressed, or roller treated, or given such other treatment or treatments as may later be approved by the said Bureau; samples must be either fumigated, inspected, or otherwise treated as may be required by the inspector.

Permits may be issued for the interstate movement of baled lint and samples thereof grown outside of but brought within a regulated area and to be moved therefrom on the furnishing of evidence satisfactory to the inspector that the said materials have been protected from contamination.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable, owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of lint from a regulated area on such conditions as may be prescribed by that Bureau.

§ 301.61-8 *Linters and samples.* Linters and samples thereof shall not be moved or allowed to be moved interstate from a regulated area unless a permit

shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement of linters and samples thereof produced in a regulated area on condition that they were produced from sterilized seed and protected from contamination to the satisfaction of the inspector, and on compliance with the following additional requirements which shall be carried out under the supervision of an inspector and in manner and by method approved by the Bureau of Entomology and Plant Quarantine:

Baled linters must be either vacuum fumigated, or compressed, or roller treated, or given such other treatment as may later be approved by the said Bureau; samples must be either fumigated, inspected, or otherwise treated as may be required by the inspector.

Permits may be issued for the interstate movement of baled linters and samples thereof grown outside of but brought within a regulated area and to be moved therefrom on the furnishing of evidence satisfactory to the inspector that such materials have been protected from contamination.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable, owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of linters from the regulated areas on such conditions as may be prescribed by that Bureau.

§ 301.61-9 *Mill waste, unbaled lint and linters, and other forms of unmanufactured lint and linters.* No form of cotton lint or linters shall be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no permit is required for the interstate transportation of materials which have been woven or spun from cotton lint or linters and are uncontaminated with other cotton or cotton products, nor for the interstate transportation of mattresses, pillows, cushions, or upholstery which have been commercially manufactured in compliance with the *Thurberia weevil* regulations of the State concerned and in which any unwoven lint or linters used are completely enclosed in the finished product.

Permits may be issued authorizing the interstate movement from a regulated area of millwaste and of all other forms of unmanufactured cotton lint or linters for which permits are required under the regulations in this subpart and which are not specifically covered in §§ 301.61-7 and 301.61-8, on condition that the material has been fumigated and compressed or roller-treated, or has been given such other treatment or handling as will, in the judgment of the Bureau, eliminate risk of spread of the *Thurberia weevil*.

§ 301.61-10. *Cottonseed hulls, cake, and meal.* No cottonseed hulls, cake, or meal shall be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement from a regulated area to any destination of cottonseed hulls obtained from sterilized cottonseed, on condition that they have been protected from subsequent contamination to the satisfaction of the inspector and have been given such additional treatment as may be required by the inspector.

Permits may be issued for the interstate movement from a regulated area to any destination of cottonseed cake and meal produced either from sterilized cottonseed or from cottonseed obtained from nonregulated territory, on condition that the cake and meal have been protected against subsequent contamination with cottonseed to the satisfaction of the inspector.

§ 301.61-11 *Bagging, wrappers, and containers.* Bagging and other wrappers and containers which have been used in connection with or which are contaminated with cotton or cotton products shall not be moved or allowed to be moved interstate from the regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture. Permits may be issued on condition that such bagging or other wrappers or containers have been cleaned or treated to the satisfaction of the inspector.

§ 301.61-12 *Cars, boats, vehicles, household goods, and equipment.* Railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are fouled with such products, and farm

household goods, farm equipment, and other articles, if contaminated with cotton or cotton products, shall not be moved or allowed to be moved interstate from the regulated area until they have been thoroughly cleaned or treated to the satisfaction of the inspector. No permit is required for the movements allowed under this section.

§ 301.61-13 *Hay and other farm products and cottonseed oil.* Hay and other farm products the interstate movement of which has not been specifically restricted or provided for elsewhere in the regulations in this subpart, and cottonseed oil, may be moved interstate without permit or other restriction until further notice.

§ 301.61-14 *General permit provisions, marking and labeling, costs of treatments, etc.* To obtain permits under the regulations in this subpart, application should be made to the nearest local inspector or to the Bureau of Entomology and Plant Quarantine, 571 Federal Building, San Antonio, Tex.

Permits may specify a destination point or a limited destination area for the shipment; and, in that event, the material concerned shall not be moved or allowed to be moved interstate, directly or indirectly, to destinations other than those specified in such permit.

In case *Thurberia weevil* infestation within any part of the regulated area becomes so general or so heavy in the future that, in the judgment of the Bureau of Entomology and Plant Quarantine, the safeguards or treatments prescribed herein are insufficient to prevent the spread of the weevil therefrom, permits for the interstate movement of restricted articles produced or stored in such generally or heavily infested part of the area may either be refused or may be withheld until such additional treatments or safeguards have been applied as may be necessary in the judgment of the Bureau to prevent the spread of the *Thurberia weevil*.

Copies of the permits required under the regulations in this subpart shall be attached to the articles or to the waybills or other shipping papers which accompany the shipment. In the case of movement by a road vehicle, copies of the permit shall accompany the vehicle. The products or articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.61-15 *Shipments by the United States Department of Agriculture.* Products and articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

SUBPART—WHITE-PINE BLISTER RUST

SOURCE: §§ 301.63 to 301.63-9 contained in Quarantine No. 63, 11 F. R. 6960, except as noted following sections affected.

QUARANTINE

§ 301.63 *Notice of quarantine.* The Secretary of Agriculture having given the public hearing required by law, quarantines each and every State of the continental United States and the District of Columbia, in order to prevent the further spread of the white-pine blister rust, a destructive disease of five-leaved pines caused by *Cronartium ribicola* Fischer, and for this purpose regulates the interstate movement of host plants of this disease, namely, five-leaved pines, gooseberries and currants. Hereafter no five-leaved pines (*Pinus*) or currants or gooseberries (*Ribes* or *Grossularia*), either wild or cultivated, shall be moved or allowed to be moved interstate from any State or from the District of Columbia into any other State, or from any State into the District of Columbia, except under conditions prescribed in regulations supplemental hereto, in amendments thereof, or in administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine as hereinafter provided: *Provided*, That as a condition to the regulation, under this quarantine, of the interstate movement into the noninfected portion of a partially infected State, of five-leaved pines which are not visibly infected with white-pine blister rust, or of the interstate movement of gooseberries or currants (other than European black currants), into any entire State, or portion thereof.

which may be designated as a control-area, such State shall be required to provide for the control of the intrastate movement of the regulated articles under conditions comparable to those which apply to their interstate movement under provisions of the Federal quarantine regulations currently existing and to enforce such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate for local control of the disease: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that existing conditions as to the pest risk involved in the movement of the regulated articles to which the regulations supplemental hereto apply, make it safe to modify by making less stringent the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the applicable regulations shall be made less stringent, whereupon such modifications shall become effective for such period and for such quarantined or protected area or portions thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

RULES AND REGULATIONS

§ 301.63-1 *Definitions.* For the purpose of this subpart the following words, names, and terms shall be construed, respectively to mean:

(a) *White-pine blister rust, or blister rust.* The fungus disease caused by *Cronartium ribicola* Fischer.

(b) *Five-leaved pines.* Plants of the following species belonging to the genus *Pinus*:

American species:

- Ayacahuite pine (*P. Ayacahuite* Ehrenb.)
- Bristlecone pine (*P. aristata* Engelm.)
- Foxtail pine (*P. balfouriana* Murr.)
- Limber pine (*P. flexilis* James)
- Mexican white pine (*P. strobiformis* Engelm.)
- Sugar pine (*P. lambertiana* Dougl.)
- Western white or silver pine (*P. monticola* Dougl.)
- Whitebark pine (*P. albicaulis* Engelm.)
- Eastern white pine (*P. strobus* L.)

Foreign species:

- Balkan pine (*P. peuce* Griseb.)
- Chinese white pine (*P. armandi* Franch.)
- Himalayan or Bhotan pine (*P. excelsa* Wall.)

Japanese white pine (*P. parviflora* Sieb. and Zucc.)

Korean pine (*P. koraiensis* Sieb. and Zucc.)

Swiss stone pine (*P. cembra* L.)

(c) *Gooseberry and currant plants.* Plants, cuttings, and seeds belonging to the genera *Ribes* and *Grossularia*, either wild or cultivated.

(d) *White-pine certificate.* An official form issued by the Bureau of Entomology and Plant Quarantine authorizing the interstate movement of five-leaved pines for reforestation purposes into noninfected States from nurseries in States outside thereof which are certified by the Bureau of Entomology and Plant Quarantine as being adequately protected from blister rust infection to provide noninfected planting stock.

(e) *Control-area permit.* An official form permitting the interstate movement of gooseberry and current plants for planting in approved locations in control areas, issued by a State officer authorized and designated by the United States Department of Agriculture.

(f) *Inspector.* An authorized inspector of the United States Department of Agriculture.

(g) *Administrative instructions.* Documents issued, under the provisions of this quarantine and regulations supplemental thereto, by the Chief of the Bureau of Entomology and Plant Quarantine.

(h) *Continental United States.* The States of the United States and the District of Columbia.

(i) *Moved interstate, interstate movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or otherwise transported, moved, or allowed to be moved from any State or the District of Columbia into any other State or from any State into the District of Columbia.

§ 301.63-2 *Quarantined area.* The quarantined area comprises the entire continental United States.

§ 301.63-3 *Control areas.* Control areas shall comprise those States, or parts thereof, into which the movement of gooseberry and currant plants, other than European black currants, is regulated, as designated by the Chief of the Bureau of Entomology and Plant Quarantine in duly publicized administrative instructions issued pursuant to this quarantine, and modified when, in his

judgment, the status or needs for control make such modifications necessary. The conditions and requirements of such administrative instructions shall carry full force and effect of this quarantine.

§ 301.63-3a *Administrative instructions designating the control-area States or parts thereof into which the movement of gooseberry and currant plants is regulated or prohibited.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.63-3 (Notice of Quarantine No. 63) on account of the white-pine blister rust which became effective July 1, 1946, the States of California, Connecticut, Delaware, Georgia, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin are hereby designated in part or in their entirety as control areas, and effective July 10, 1946, the interstate movement to such control areas of gooseberry and currant plants, cuttings, and seeds is prohibited or regulated as provided hereinafter for each such State or part thereof.

California. European black currant plants may not be moved interstate to any destination in California.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into California, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN CALIFORNIA TO WHICH
MOVEMENT OF ALL GOOSEBERRY AND CURRANT
PLANTS IS PROHIBITED

Alta	Georgetown
Arnold	Hayfork
Challenge	McCloud
Chester	Quincy
Downieville	Stirling City
Feather Falls	Westwood
Foresthill	

Connecticut. European black currant plants may not be moved interstate to any destination in Connecticut.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Connecticut unless accompanied by control-area permits secured from the State Entomologist, Box 1106, New Haven 4, Conn. Control-area permits will not be issued for planting within infective distances of protected pine.

Delaware. European black currant plants may not be moved interstate to any destination in Delaware.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Delaware unless accompanied by control-area permits secured from the Plant Pathologist, State Board of Agriculture, Newark, Del. Control-area permits will not be issued for planting within infective distances of protected pine.

Georgia. European black currant plants may not be moved interstate to any destination in Georgia.

Gooseberry and currant plants other than European black currants, may be moved interstate without restriction into Georgia, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN GEORGIA TO WHICH
MOVEMENT OF ALL GOOSEBERRY AND CUR-
RANT PLANTS IS PROHIBITED

Afton	Lewner
Aska	Loving
Ayersville	Marblehill
Baxter	Margret
Blairsville	Marion
Blue Ridge	Morganton
Cartecay	Mountain City
Chatsworth	Nacoochee
Cherrylog	Newport
Cisco	Oak Hill
Clarksville	Pike
Clayton	Pisgah
Cleveland	Presley
Cornelia	Quill
Crandall	Rabun Gap
Dahlonega	Robertstown
Dawsonville	Rolston
Demorest	Roy
Dial	Sarah
Diamond	Satolah
Dillard	Sautee
East Ellijay	Suches
Ella Gap	Talking Rock
Ellijay	Tallulah Falls
Emma	Tallulah Lodge
Eton	Talona
Gaddistown	Tennnga
Habersham	Tiger
Harvest	Titus
Helen	Toccoa
Hemp	Toccoa Falls
Hiawassee	Tournapull
Higdons Store	(R. Sta. Toccoa)
Hollywood	Tugalo
Hurst	Turnerville
Jasper	Whitestone
Johnstown ¹	Wiley
Juno	Youngcane
Lakemont	Young Harris
Leaf	

Idaho. European black currant plants may not be moved interstate to any destination in Idaho.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Idaho, except that their interstate movement

is prohibited to the following shipping points:

SHIPPING POINTS IN IDAHO TO WHICH MOVE-
MENT OF ALL GOOSEBERRY AND CURRANT
PLANTS IS PROHIBITED

Avery	Kingston
Bovil	Linfor ¹
Calder	McArthur ¹
Clark Fort	Mullan
Clarkia	Murray
Coeur d'Alene	Naples
Coolin	Neva ¹
Deary	Nordman
Dent	Orofino
Elk River	Pierce
Elmira	Prichard ¹
Emerald ¹	Priest River
Emida	Purdue ¹
Enaville	Rathdrum
Fernwood	Saint Joe ¹
Grangemont	Saint Maries
Greer	Samuels
Harvard	Sandpoint
Hayden Lake	Santa
Headquarters	Spirit Lake
Helmer ¹	Twin Lakes ¹
Hope	Wallace
Jaypeer ¹	Weippe
Kellogg	

Maine. European black currant plants may not be moved interstate to any destination in Maine.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction to the shipping points listed below. Interstate movement to all other shipping points in the State is prohibited.

SHIPPING POINTS IN MAINE TO WHICH GOOSE-
BERRY AND CURRANT PLANTS, OTHER THAN
EUROPEAN BLACK CURRANTS, MAY BE MOVED
WITHOUT RESTRICTION

Addison	Clayton Lake
Air Force Base (Sta. Houlton)	Columbia Falls
Army Air Field (Ind. Br. of Presque Isle)	Cooper ¹
Ashland	Crawford
Ayers	Crouseville
Bancroft	Cutler
Baring	Danforth
Beals	Deblois
Benedicta	Dennysville
Blaine	Eagle Lake
Blanchard	East Machias
Bowerbank	East Millinocket
Bridgewater	Easton
Brookton	Eastport
Bucks Harbor	Eaton
Calais	Flagstaff
Capens ¹	Forest City
Caribou	Forest Station
Carroll	Fort Fairfield
Centerville	Fort Kent
Cherryfield	Fort Kent Mills
Chesuncook	Frenchville
	Gerard
	Grand Isle
	Grand Lake Stream

¹ No post office.

Greenville	Perham
Greenville Jct.	Perkins
Grindstone	Perry
Grove	Phair ¹
Harrington	Plaisted
Haynesville	Portage
Hodgdon	Prentiss
Holeb	Presque Isle
Houlton	Princeton
Howland	Quimby
Island Falls	Quoddy (Sta. East-
Jackman	port)
Jackman Station	Red Beach
Jacksonville	Robbinston
Jonesboro	Robinsons
Jonesport	Rockwood
Keegan	Roque Bluffs
Kingman	Saint Agatha
Kingsbury	Saint David
Kokadjo	Saint Francis
La Grange	Sebec Lake
Larrabee	Seboeis
Lille	Selden
Limestone	Sheridan
Linneus	Sherman
Long Pond	Sherman Mills
Lubeck	Sherman Station
Ludlow ¹	Shin Pond
Machias	Shirley Mills
Machiasport	Sinclair
Madawaska	Smyrna Mills
Mapleton	Soldier Pond
Mars Hill	South Bancroft
Masardis	Spencer ¹
Meddybemps	Stacyville
Medway	Starboard
Millbridge	Steuben
Millinocket	Stockholm
Milltown (Ind. Sta.	Tarratine
Calais)	The Birches ¹
Monarda	Topsfield
Monson	Upper Frenchville
Monticello	Van Buren
Moosehead	Vanceboro
Moose River	Waite
New Limerick	Washburn
New Sweden	Wesley
Norcross	Westfield
North Amity	West Lubec
North Bancroft	West Jonesport
North East Carry	Weston
North Lubec	West Outlet ¹
Oakfield	West Pembroke
Ogontz	West Seboeis
Onawa	Whiting
Orient	Whitneyville
Oxbow	Winterville
Patten	Woodland
Pembroke	Wytopitlock

Maryland. European black currant plants may not be moved interstate to any destination in Maryland.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Maryland, except that they may be moved interstate to the shipping points listed below only

¹ No post office.

when accompanied by control-area permits secured from the State Plant Pathologist, University of Maryland, College Park, Md. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN MARYLAND FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Accident	Kitzmiller
Avilton	Little Orleans
Baltimore	Lock Raven
Barton	Lonaconing
Berwyn	Long Green
Bigpool	Lutherville
Big Spring	McDonogh
Bittering	McHenry
Bloomington	Mountain Lake Park
Butler	Myersville
Clear Spring	Oakland
Cockeysville	Oella
College Park	Oldtown
Crellin	Parkton
Deer Park	Phoenix
Derwood	Pikesville
Ellicott City	Rockville
Flint Stone	Sang Run
Fork	Shallmar
Frostburg	Smithsburg
Fullerton	Steyer
Garrett Park	Swanton
Glenarm	Timonium
Grantsville	Towson (Br.
Hancock	Baltimore)
Hutton	Upperco
Jennings	Vindex
Kingsville	White Hall

Massachusetts. European black currant plants may not be moved interstate to any destination in Massachusetts.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Massachusetts unless accompanied by control-area permits secured from the Director, Division of Plant Pest Control and Fairs, State House, Boston 33, Mass. Control-area permits will not be issued for planting within infective distances of protected pine.

Michigan. European black currant plants may not be moved interstate to any destination in Michigan.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Michigan, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Director, Bureau of Plant Industry, State Department of Agriculture, Lansing 13, Mich. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN MICHIGAN FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Alcona	Alpena
Alger	Antrim
Allegan	Baraga

Benzie	Manistee
Charlevoix	Marquette
Cheboygan	Mason
Chippewa	Mecosta
Crawford	Menominee
Delta	Missaukee
Dickinson	Montcalm
Emmet	Montmorency
Gogebic	Muskegon
Grand Traverse	Newaygo
Houghton	Oceana
Iosco	Ogemaw
Iron	Ontonagon
Kalkaska	Oscoda
Kent	Otsego
Keweenaw	Ottawa
Lake	Presque Isle
Leelanau	Roscommon
Luce	Schoolcraft
Mackinac	Wexford

Minnesota. European black currant plants may not be moved interstate to any destination in Minnesota.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Minnesota, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Commissioner of Conservation, State Office Building, St. Paul, Minn. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN MINNESOTA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Aitkin	Hubbard
Becker	Isanti
Beltrami	Itasca
Carlton	Kanabec
Cass	Koochiching
Chisago	Lake
Clearwater	Mahnomen
Cook	Pine
Crow Wing	St. Louis

Montana. European black currant plants may not be moved interstate to any destination in Montana.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Montana, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN MONTANA TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Belton	Saltese
Deborgia	Smead ¹
Haugan ¹	Taft ¹
Heron	Troy
Noxon	Warland

New Hampshire. European black currant plants may not be moved interstate to any destination in New Hampshire.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction to the shipping points listed below. Interstate movement to all other shipping points in the State is prohibited.

SHIPPING POINTS IN NEW HAMPSHIRE TO WHICH GOOSEBERRY AND CURRANT PLANTS, OTHER THAN EUROPEAN BLACK CURRANTS, MAY BE MOVED WITHOUT RESTRICTION

Colebrook	Pittsburg
Dixville Notch	Stratford
Errol	Wentworth Location
North Stratford	West Stewartstown

New Jersey. European black currant plants may not be moved interstate to any destination in New Jersey.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into New Jersey, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN NEW JERSEY TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Bevans	McAfee
East Balles ¹	Mount Arlington
Flatbrookville	Newfoundland
Glenwood	Oak Ridge
Green Pond	Ringwood
Haskell	Vernon
Hewitt	Wallpack Center
Lake Hopatcong	Wanaque
Lake Lookover ¹	West Milford
Layton	

New York. European black currant plants may not be moved interstate to any destination in New York.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into New York, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN NEW YORK TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Accord	Bearsville
Adirondack	Beaver Falls
Alder Creek	Beaver River
Alligerville	Bethel
Altona	Big Moose
Argyle	Binnewater
Ashokan	Bloomington
Athol	Bloomington
Atwell	Blossvale
Ausable Chasm	Blue Mountain Lake
Au Sable Forks	Blue Ridge
Ava	Boiceville
Bakers Mills	Bolton
Ballston Lake	Bolton Landing
Ballston Spa	Bombay
Bangor	Boonville
Barnes Corners	Brainardsville
Barneveld	Brandreth
Berryville	

¹ No post office.

Brantingham	Ellenburg Center	Johnstown	North Bangor
Brant Lake	Ellenburg Depot	Jonesville	North Creek
Brasher Falls	Ellenville	Kattskill Bay	North Granville
Broadalbin	Elnora	Kauneonga Lake	North Hudson
Brushton	Essex	Keene	North Lawrence
Burke	Faust	Keene Valley	North River
Burlingham	Fine	Keeseville	North Stockholm
Burnt Hills	Florence	Kerhonkson	Northville
Bushville	Forest	Kiamesha Lake	North Western
Cadyville	Forestport	Krumville	Ohio
Cambridge	Fort Ann	Kyserike	Old Forge
Camden	Fort Covington	Lackawack	Olivebridge
Canada Lake	Fort Edward	Lake Clear	Olmstedville
Caroga Lake	Fort Jackson	Lake Clear Junction	Onchiota
Castorland	Fort Miller	Lake George	Osceola
Champlain	Fort Ticonderoga	Lake Hill	Oswegatchie
Chateaugay	Fosterdale	Lake Huntington	Otter Lake
Chazy	Gabriels	Lake Katrine	Owls Head
Chestertown	Galway	Lake Kushaqua	Palmer
Childwold	Gansevoort (Sara -	Lake Luzerne	Paradox
Chilson	toga County)	Lake Placid	Parishville
Churubusco	Garnet Lake	Lake Placid Club	Paul Smiths
Clayburg	Glasco	Lake Pleasant	Peasleeville
Clemons	Glenburnie	Lawrenceville	Peru
Cleverdale	Glenfield	Lee Center	Phillipsport
Cliff Haven ¹	Glenford	Lewis	Piercefield
Clintonville	Glen Island	Long Lake	Pilot Knob
Cochecton	Glen Lake	Loon Lake	Piseco
Cochecton Center	Glens Falls	Lowville	Plattsburg
Cold Brook	Glen Spey	Lyon Mountain	Poland
Colton	Glen Wild	Lyons Falls	Pond Eddy
Comstock	Gloversville	McKeever	Porter Corners
Conifer	Grant	Malden on Hudson	Port Henry
Conklingville ¹	Granville	Malone	Port Kent
Constable	Gravesville	Martinsburg	Port Leyden
Constableville	Greenfield Center	Mayfield	Pottersville
Copenhagen	Greenfield Park	Mechanicville	Prospect
Coreys	Greenwich	Merriewold	Putnam Station
Corinth	Greig	Merrill	Rainbow Lake
Cossayuna	Hadley	Middle Falls	Raquette Lake
Cottekill	Hague	Middle Granville	Ray Brook
Cragstore	Hampton	Middle Grove	Raymondville
Cranberry Lake	Hannawa Falls	Military	Redford
Craterclub	Harris	(Br. of Plattsburg)	Remsen
Creek Locks	Harrisville	Minerva	Rexford
Crogham	Hartford	Mineville	Riparius
Crown Point	Hartwood	Moffitsville	Riverview
Crown Point Center	Hawkeye	Mohonk Lake	Rock City Falls
Dairyland	Helena	Moir	Rock Hill
Dannemora	Higgins Bay	Mongaup Valley	Roosa Gap
Darts	High Falls	Montela ¹	Rosendale
Deerland	Highland Lake	Monticello	Round Lake
Deer River	Highview	Moody	Rouses Point
Degrass	Hinckley	Mooers	Ruby
Denmark	Hoffmeister	Mooers Forks	Russell
Diamond Point	Hogansburg	Moriah	Sabael
Dickinson Center	Holland Patent	Moriah Center	Sabattis
Dolgeville	Hopkinton	Morrisonville	Sabbath Day Point
Dresden Station	Hotel Champlain	Mountain View	Sacandaga
Duane	Hudson Falls	Mount Arab	Saint Huberts
Eagle Bay	Hulets Landing	Mount McGregor	Saint Josephs
Eagle Nest	Hunter Lake	Mount Marion	Saint Regis Falls
East Greenwich	Hurley	Napanoch	Salem
Eddyville	Indian Lake	Narrowsburg	Salisbury
Edinburg	Inlet	Nehasane	Salisbury Center
Edwards	Inman ¹	New Bremen	Samsonville
Eldred	Irona	Newcomb	Santa Clara
Elizabethtown	Jay	New Russia	Saranac
Ellenburg	Johnsburg	Newton Falls	Saranac Inn
		Nicholville	Saranac Lake
		Norfolk	Saratoga Springs

¹ No post office.

Saugerties	Valcour
Schroon Lake	Vermontville
Schuyler Falls	Victory Mills
Schuylerville	Wadhams
Severance	Wanakena
Shady	Warrensburg
Shokan	Waterford
Shushan	Wawarsing
Silver Bay	Wells
Smallwood	West Bangor
Smiths Basin	West Branch
South Colton	Westbrookville
South Hartford	West Camp
South Schroon	West Chazy
Speculator	Westdale
Spring Glen	Westernville
Standish	West Granville Cor-
Starlake	ners
Stillwater	West Hurley
Stone Ridge	West Leyden
Stony Creek	Westport
Stratford	West Shokan
Summitville	West Stockholm
Sunmount	Wevertown
Swastika	Whallonsburg
Taberg	Whippleville
Tahawus	White Creek
Ten Mile River	Whiteface
The Glen	Whitehall
Thendara	White Lake
Thompsonville	Willow
Thomson	Willsboro
Thurman	Wilmington
Ticonderoga	Wilton
Tillson	Winterton
Trudeau	Winthrop
Truthville	Witherbee
Tupper Lake	Wittenberg
Turin	Woodgate
Tusten	Woodstock
Upper Jay	Wurtsboro
Upper St. Regis	Yulan
Ushers	

North Carolina. European black currant plants may not be moved interstate to any destination in North Carolina.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into North Carolina, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, Department of Agriculture, Raleigh, N. C. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN NORTH CAROLINA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Alexander	Graham
Alleghany	Haywood
Ashe	Henderson
Avery	Jackson
Buncombe	McDowell
Burke	Macon
Caldwell	Madison
Cherokee	Mitchell
Clay	Polk
Cleveland	Rutherford

Surry	Wilkes
Swain	Yadkin
Transylvania	Yancey
Watauga	

Ohio. European black currant plants may not be moved interstate to any destination in Ohio.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Ohio, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Chief, Division of Plant Industry, Dept. of Agriculture, Columbus 15, Ohio. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN OHIO FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Adelphi	Germano
Brecksville	Glenmont
Burton	Greer
Chagrin Falls	Keene
Chillicothe	Kent
Clark	Loudonville
Danville	Marietta
Fresno	Nashville
Gambier	New Marshfield
Gates Mills	Winona

Oregon. European black currant plants may not be moved interstate to any destination in Oregon.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Oregon, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Chief, Division of Plant Industry, Agricultural Building, Salem, Oregon. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN OREGON FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Cave Junction	Oregon Caves
Colestin ¹	Prospect
Dryden	Selma
Galice ¹	Tiller
Grants Pass	Union Creek ¹
Holland	Waters Creek ¹
Kerby	Wilderville
Murphy	Wonder

Pennsylvania. European black currant plants may not be moved interstate to any destination in Pennsylvania.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Pennsylvania, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the Chief, Division of Forest Protection, Pennsylvania Depart-

¹ No post office.

ment of Forests and Waters, 410 Educational Building, Harrisburg, Pa. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN PENNSYLVANIA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Bradford	Jefferson
Cameron	Luzerne
Centre	Lycoming
Clarion	Monroe
Clearfield	Pike
Clinton	Potter
Elk	Susquehanna
Forest	Tioga
Fulton	Warren
Huntingdon	Wayne

Rhode Island. European black currant plants may not be moved interstate to any destination in Rhode Island.

Gooseberry and currant plants, other than European black currants, may not be moved interstate to any destination in Rhode Island unless accompanied by control-area permits secured from the Administrator, Division of Entomology and Plant Industry, State House, Providence 2, R. I. Control-area permits will not be issued for planting within infective distances of protected pine.

Tennessee. European black currant plants may not be moved interstate to any destination in Tennessee.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Tennessee, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN TENNESSEE TO WHICH MOVEMENT OF ALL GOOSEBERRY AND CURRANT PLANTS IS PROHIBITED

Allardt	Dean
Archville	Deer Lodge
Armathwaite	Delano
Bakewell	Del Rio
Banner Springs	Doeville
Belltown	Ducktown
Ben Stockton	East Jamestown
Benton	Elgin
Big Lick	Elizabethton
Bluff City	Elkmont (R. Sta. Sevierville)
Bridgeport	Embreeville
Bristol	Emory Gap
Burrville	Epperson
Butler	Erwin
Cades Cove	Evensville
Calderwood	Farner
Catoosa ¹	Flag Pond
Chilhowee	Flattop ¹
Clarkrange	Frankfort
Coalfield	French Broad
Cokercreek	Gatlinburg
Coleman ¹	Gennett ¹
Conasauga	Glenmary
Cosby	Grandview
Crab Orchard	Graysville
Crossville	Grimsley
Dayton	

¹ No post office.

Hampton	Piney Flats
Harriman	Rasar
Hartford	Reliance
Hebbertsburg ¹	Roan Mountain
Helenwood	Robbins
Hendon	Rock Creek
Holston Valley	Rockwood
Huntsville	Roslin
Ironsbury	Rugby
Isabella	Sale Creek
Jamestown	Servilla
Kinzel Springs ¹	Sevierville
Lancing	Shady Valley
Laurel Bloomery	Shell Creek
Linary	Shirley
Litton	Shouns
Milligan College	Smoky Junction
Milo	Spring City
Mountain City	Sunbright
Neva	Tallassee
New River	Tellico Plains
Nicks Creek	Townsend
Norma	Trade
Oakdale	Unicoid
Ocoee	Walland
Oldfort	Wartburg
Oneida	Watauga
Ozone	Westel
Peavine	Winesap
Petros	Winfield
Pigeon Forge (R. Sta. Sevierville)	Winona
Pikeville	Wolf Creek

Vermont. European black currant plants may not be moved interstate to any destination in Vermont.

Gooseberry and currant plants other than European black currants, may not be moved interstate to any destination in Vermont unless accompanied by control-area permits secured from the State Forester, Department of Natural Resources, Forest Service, Montpelier, Vt. Control-area permits will not be issued for planting within infective distances of protected pine.

Virginia. European black currant plants may not be moved interstate to any destination in Virginia.

Gooseberry and current plants, other than European black currants, may be moved interstate without restriction into Virginia, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, 1112 State Office Building, Richmond 19, Va. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN VIRGINIA FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Albemarle	Carroll
Alleghany	Craig
Amherst	Floyd
Augusta	Franklin
Bath	Frederick
Bedford	Giles
Bland	Grayson
Botetourt	Greene

Henry
Highland
Madison
Montgomery
Nelson
Page
Patrick
Pulaski
Rappahannock

Roanoke
Rockbridge
Rockingham
Shenandoah
Smyth
Warren
Washington
Wythe

Dunmore
Dunns
East Beckley
Eccles
Egeria
Elgood
Ellison
Fabius
Fame

Forest Hill
Fort Run
Fort Seybert
Frankford
Franklin
Frost

Gap Mills
Ghent
Glance
Glengary
Glen Morgan
Glen White
Grandview
Green Bank
Greenville
Hambleton
Harper

Hedgesville
Hendricks
High View
Hillsboro
Hinton
Hollywood
Hooks Mills
Huntersville
Indian Mills
Inkerman
Intermont
Jones Springs
Jumping Branch
Keenan
Kegley

Kirby
Kline
Lanark
Lashmeet
Lead Mine
Lehew
Lerona
Lewisburg
Lick Creek
Lindside
Lost City
Lost River
Lovern
McCreery¹
Mabscott
MacArthur
Mandeville
Marie
Marlinton
Mathias
Maxwelton
Milam
Mill Point
Minnehaha Springs
Moorefield
Mountview
Moyers
Mozer
Needmore

Neola
New
North Caldwell¹
North Mountain
Norvell¹
Oakland
Oakvale
Old Fields
Omps
Orchard
Organ Cave
Oswald
Parsons
Pemberton
Perry
Peterstown
Pettry
Pickaway
Piney View
Pinoak
Pipestem
Pluto
Price Hill
Princeton
Prosperity
Raleigh
Red Sulphur Springs
Renick
Ridge
Rio
Rock Camp
Rockoak
Ronceverte
Roxalia
Ruddle
Saint George
Secondcreek
Seebert
Shady Spring
Skelton
Sleepy Creek
Smoke Hole
Spanishburg
Speedway
Sprague
Spring Creek
Stanaford
Stotlers Cross Roads
Streeter
Sugar Grove
Surveyor
Sweetsprings
True
Ungers Store
Union
Upper Tract
Vago
Waiteville
Wardensville
Warford
Watoga
Wayside
White Sulphur
Springs
Wickham¹
Wikel
Willow Bend
Yellow Spring
Zenith

Washington. European black currant plants may not be moved interstate to any destination in Washington.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Washington, except that they may be moved interstate to the shipping points listed below only when accompanied by control-area permits secured from the Supervisor of Horticulture, Department of Agriculture, Olympia, Wash. Control-area permits will not be issued for planting within infective distances of protected pine.

SHIPPING POINTS IN WASHINGTON FOR WHICH
CONTROL-AREA PERMITS ARE REQUIRED

Blueslide	Mead
Colbert	Metaline Falls
Cusick	Ruby ¹
Ione	Tiger
Lost Creek ¹	Usk

West Virginia. European black currant plants may not be moved interstate to any destination in West Virginia.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into West Virginia, except that their interstate movement is prohibited to the following shipping points:

SHIPPING POINTS IN WEST VIRGINIA TO WHICH
MOVEMENT OF ALL GOOSEBERRY AND CURRANT
PLANTS IS PROHIBITED

Abraham	Bozoo
Alvon	Brandywine
Anthony	Brushy Run
Arbovale	Buckeye
Ashford General	Caldwell
Hospital	Camp Alleghany
Assurance	Camp Creek
Athens	Capon Bridge
Auto	Capon Springs
Avis ¹	Cashmere
Baker	Cass
Ballard	Cave
Ballengee	Cherry Creek
Bartow	Cherry Run
Bass ¹	Clover Lick
Beard	Cool Ridge
Beaver	Crab Orchard
Beckley	Cranberry
Beeson	Crow
Bellepoint	Crumps Bottom
Berkeley Springs	Daniels
Bloomery	Deer Run
Blue Jay	Denmar
Boyer	Droop

¹ No post office.

Wisconsin. European black currant plants may not be moved interstate to any destination in Wisconsin.

Gooseberry and currant plants, other than European black currants, may be moved interstate without restriction into Wisconsin, except that they may be moved interstate to shipping points in the counties listed below only when accompanied by control-area permits secured from the State Entomologist, State Capitol, Madison 2, Wis. Control-area permits will not be issued for planting within infective distances of protected pine.

COUNTIES IN WISCONSIN FOR WHICH CONTROL-AREA PERMITS ARE REQUIRED

Adams	Marathon
Ashland	Marinette
Barron	Monroe
Bayfield	Oconto
Burnett	Oneida
Chippewa	Polk
Clark	Portage
Door	Price
Douglas	Rusk
Dunn	St. Croix
Eau Claire	Sawyer
Florence	Shawano
Forest	Taylor
Iron	Vilas
Jackson	Washburn
Juneau	Waupaca
Langlade	Waushara
Lincoln	Wood

(a) *Movement of five-leaved pines.* As provided in § 301.63-5 (a), five-leaved pines may be moved interstate without restriction between the noninfected States of Arizona, Colorado, Georgia, Kentucky, Nevada, New Mexico, South Carolina, Tennessee, Utah, and the noninfected part of California comprised of the counties of Calaveras, Contra Costa, Mono, San Francisco, San Joaquin, Tuolumne and all those south thereof. Five-leaved pines may not be moved interstate into these areas from any other part of the United States except when intended for reforestation purposes and when they have been grown in a nursery protected from blister rust infection and when accompanied by a white-pine certificate issued for such movement by the Bureau of Entomology and Plant Quarantine.

There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the continental United States outside of the areas described in the above paragraph, except that five-leaved pines and parts thereof when visibly infected with blister rust may not be moved interstate anywhere within the continental United States except in accordance with

§ 301.63-9 of the quarantine regulations.

(b) *Movement of European black currants.* As provided in § 301.63-5 (b), European black currant plants may be moved interstate without restriction between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. Interstate movement of such plants into or between any other States or the District of Columbia is prohibited except in accordance with § 301.63-9 of the quarantine regulations.

[BEPQ 546, 11 F. R. 7651]

§ 301.63-4 *Regulated articles.* Regulated articles shall comprise gooseberry and currant plants, cuttings and seeds, and five-leaved pines and, if visibly infected with white-pine blister rust, portions of five-leaved pines.

§ 301.63-5 *Conditions governing interstate movement of regulated articles—*(a) *Five-leaved pines.* (1) Five-leaved pines may be moved interstate without restriction between the following noninfected States or parts thereof when they have originated therein, namely: Arizona, Colorado, Georgia, Kentucky, Nevada, New Mexico, South Carolina, Tennessee, Utah and the noninfected part of California comprising the counties of Calaveras, Contra Costa, Mono, San Francisco, San Joaquin, Tuolumne, and all those south thereof. Five-leaved pines may not be moved interstate into the above-described areas from any other part of the United States except when intended for reforestation purposes and when they have been grown in a nursery protected from blister rust infection and when accompanied by a white-pine certificate issued for such movement by the Bureau of Entomology and Plant Quarantine.

(2) There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the continental United States outside of the areas described in subparagraph (1) of this paragraph: *Provided,* That the interstate movement anywhere within the continental United States of five-leaved pines and parts thereof when visibly infected with blister rust is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63-9.

(b) *European black currants.* European black currant plants (*Ribes nigrum*

L.) may be moved interstate without restriction into and between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. The interstate movement of such plants into any other State or the District of Columbia is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63-9.

(c) *Gooseberries and currants, other than European black currants.* (1) Gooseberry and currant plants other than European black currants, may be moved interstate without restriction, except into control-area States or parts thereof designated in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine as hereinbefore provided. The conditions governing the movement into control areas will be prescribed in such administrative instructions.

§ 301.63-6 *Conditions governing the issuance and use of white-pine certificates and control-area permits—*(a) *White-pine certificates.* Certificates authorizing the interstate movement of white pine into the noninfected areas as designated in § 301.63-5 (a) (1) from points outside thereof may be issued for such pine when it is intended for reforestation purposes and when it has been grown in nurseries adequately protected from white-pine blister rust infection to provide noninfected planting stock as determined by the Bureau of Entomology and Plant Quarantine. Application for white-pine certificates shall be made to the Bureau of Entomology and Plant Quarantine, Washington 25, D. C.

(b) *Control-area permits.* Control-area permits may be issued for the interstate movement of gooseberry and currant plants, except for European black currants, into control areas as designated in administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine when the planting locations are not within infective distance of protected pine and movement thereto of such plants is not prohibited. Applications for control-area permits shall be made to the Federal representative in the State of destination as designated in the administrative instructions, giving names and addresses of consignee and consignor and kind and number of plants to be shipped.

(c) *Use of certificates and permits.* White-pine certificates or control-area permits, when required as a condition of interstate movement of regulated articles, must be securely attached to the outside of each container of regulated articles, except that for carload and other bulk shipments by rail, the certificate or permit shall accompany the waybill and for shipment by truck or other road vehicle the certificate or permit shall accompany the vehicle and be surrendered to the consignee on delivery of the shipment.

§ 301.63-7 *Cancellation of white-pine certificates and control-area permits.* White-pine certificates and control-area permits issued under the provisions of this subpart may be withdrawn or cancelled by the Bureau of Entomology and Plant Quarantine for failure of compliance with the conditions of this part, or whenever the further use of such certificates or permits might result in the spread of the white-pine blister rust.

§ 301.63-8 *Inspection and disposition.* Any car or other conveyance, and any package or other container moving or having been moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or regulated may be examined by an inspector at any time or place. When articles are found to be moving interstate in violation of this subpart the inspector may take such action as is authorized by the Plant Quarantine Act to the extent deemed necessary to eliminate the danger of spread of the disease.

§ 301.63-9 *Shipment for scientific or educational purposes.* Regulated articles may be moved interstate for scientific or educational purposes under such conditions and safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear securely attached to the outside thereof a special permit, issued for such movement by the Bureau of Entomology and Plant Quarantine.

SUBPART—MEXICAN FRUITFLY

SOURCE: §§ 301.64 to 301.64-7 contained in Quarantine No. 64, 10 F. R. 14353, except as noted following section affected.

QUARANTINE

§ 301.64 *Notice of quarantine.* Under the authority conferred by section 8 of

the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and having held the public hearing required thereunder the Secretary of Agriculture quarantines the State of Texas to prevent further spread of the Mexican fruitfly (*Anastrepha ludens* (Loew)). Hereafter no fruits of any variety shall be moved by any person, firm, or corporation from the said quarantined State into or through any other State, or Territory, or District of the United States under conditions other than prescribed herein or in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto or modifications thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, except that any such limitation shall be conditioned upon the said State providing for and enforcing the control of the intrastate movement of host fruits from such areas under conditions which apply to their interstate movement under provisions of the Federal quarantine regulations currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof, as in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the Mexican fruitfly: *Provided further*, That, except as to extension or reduction of the regulated areas, the Chief of the Bureau of Entomology and Plant Quarantine may modify by making less stringent through administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action may be taken without risk of spread of the Mexican fruitfly.

RULES AND REGULATIONS

§ 301.64-1 *Definitions*. For the purpose of §§ 301.64 to 301.64-7, inclusive, the following words shall be construed respectively to mean:

(a) *Mexican fruitfly*. The insect known as the Mexican fruitfly (*Anastrepha ludens* (Loew)) in any stage of development.

(b) *Regulated areas*. The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisions of § 301.64 as revised.

(c) *Host fruits*. Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus Sargentia, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible.

(d) *Harvesting season*. A period during which host fruits are permitted to be harvested for movement interstate.

(e) *Host-free period*. A period during which no mature host fruits are produced or permitted to exist within the regulated area except as provided in §§ 301.64 to 301.64-7, inclusive, or under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Inspector*. An inspector of the United States Department of Agriculture.

(g) *Moved interstate*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.

(h) *Permits*—(1) *Shipping permits*. Documents, issued by an inspector, authorizing interstate movement of regulated articles.

(2) *Master permit*. A document, issued by an inspector, which must accompany every shipment of six or more containers of certified citrus fruits in addition to the shipping permits.

(3) *Harvesting permit*. A document authorizing the harvesting of citrus fruits within the regulated area for movement to points outside thereof.

(4) *Packer's permit*. A document authorizing operation of a packing plant for the purpose of shipping restricted citrus fruits from the regulated area.

§ 301.64-2 *Regulated area*. In accordance with the first proviso to § 301.64 the Secretary of Agriculture designates as regulated area the counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy in the State of

Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect.

§ 301.64-3 *Restrictions on interstate movement*—(a) *Permit requirements for citrus fruits.* Grapefruits, oranges, and other citrus fruits except lemons and sour limes, shall not be moved interstate from a regulated area unless every crate, box, or other container of such host fruits has attached thereto a valid shipping permit. In addition to the shipping permit every shipment of six or more crates, boxes, or other containers of citrus fruits moved interstate shall be accompanied by a master permit showing the number of containers, the consignor, the consignee, the destination, and, in the case of carlot or road vehicle movement, the freight car number and initials or the license number of the road vehicle. However, the above permit requirements, as they relate to part or all of the regulated area or of the regulated fruits, may be waived during part of any year by the Chief of the Bureau of Entomology and Plant Quarantine when he has determined that natural conditions exist with respect to the designated areas or host fruits which have eliminated the risk of infestation of the Mexican fruitfly in any stage of development, and when he has given due notice thereof in administrative instructions.

(b) *Movement of noncitrus host fruits prohibited.* Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see § 301.64-1 (c)), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(c) *No restrictions on lemons, sour limes, and manufactured fruit products.* No restrictions are placed by §§ 301.64 to 301.64-7, inclusive, on the interstate movement of lemons, sour limes, or products manufactured from host fruits.

(d) *Movement through regulated area.* No restrictions are placed by §§ 301.64 to 301.64-7, inclusive, on the interstate movement of restricted fruits from an area not under regulation through a regulated area when such movement is on a through billing.

§ 301.64-4 *Conditions governing the issuance of shipping permits.* Permits for the interstate movement of grape-

fruit, oranges, and other restricted citrus fruits from the regulated area may be issued by the inspector upon his determination that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.* The grove in which the fruit was produced shall have been maintained in compliance with the host-free requirement provided in § 301.64-5 (a). The grove shall further have been maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected prior to the harvesting of the fruit concerned and have been found free from Mexican fruitfly infestation: *Provided, That*, if a grove or portion thereof from which the fruit is to be shipped is within an infested zone established under § 301.64-5 (b), permits for the interstate shipment of such fruit may be issued only after the fruit has been sterilized or otherwise treated or handled in manner or by methods prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Packing-house requirements.* Persons desiring to operate a packing plant for the purpose of shipping restricted citrus fruits from the regulated area shall apply for and secure a packer's permit from the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., and agree in writing to operate such plant in compliance with §§ 301.64 to 301.64-7, inclusive, and the regulations of the Texas State Department of Agriculture, including those applying to sanitation requirements, harvesting, sterilization, packing, and shipping of restricted citrus fruits, and in addition shall maintain and make available for examination by authorized inspectors records of all receipts and sales or shipments of restricted citrus fruits.

(c) *Application to harvest fruit.* Persons desiring to harvest citrus fruit within the regulated area for movement to points outside such area may be required to secure harvesting permits when in the judgment of the inspector the requirement of such permits is necessary to prevent the spread of the

Mexican fruitfly, and when due notice to that effect has been given by the inspector. Applications for such permits, when required, shall show the kind and quantity of the citrus fruit it is proposed to harvest for movement, the location and ownership of the grove from which it will be harvested, and the location at which it will be packed for shipment. The permit issued by the inspector will include provisions needed to assure compliance with these regulations and the regulations of the Texas Department of Agriculture.

(d) *Containers.* Shipping permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.* Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might otherwise involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.* Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancellation of permits.* Permits issued under §§ 301.64 to 301.64-7, inclusive, may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the Mexican fruitfly.

§ 301.64-4a *Administrative instructions; treatment of grapefruit and oranges for the Mexican fruitfly.* The methods of sterilization specified below are hereby authorized, effective September 25, 1941, as a condition of the issuance of permits for interstate movement of grapefruit and oranges.

(a) *Vapor-heat method.* Heating the fruit for a period of not less than 14

hours during which time the fruit shall be raised to a temperature of 110° F. at the approximate center of the fruit and shall be maintained at or above that temperature for the last 6 hours of such treatment.

While no specifications as to the exact methods and equipment for obtaining these conditions are prescribed, the air within the room shall be maintained at the temperature and under the humidity conditions required by the supervising inspector. Available information clearly indicates that by the application of dry heat the required temperatures cannot be reached without injury to the fruit. To prevent such injury it is necessary to maintain a very high humidity throughout the period of treatment. In the tests where successful performance was obtained, live steam as the source of heat was applied in such a way as to secure as nearly as possible a uniform distribution of steam-heated air so directed as not to discharge directly on the fruit. The air temperature ranged from 110° to 112° F. and the air was very moist. The fruit was held in field boxes stacked four boxes high and without special means of separating the boxes in each stack. The experiments indicate that the fruit should be sterilized after coloring, if this is necessary, and before packing for shipment, and then cooled down to a temperature around 45° F. as soon as possible after sterilizing. Wax or paraffin, either dry or in solution, should not be applied to this fruit before sterilization.

(b) *Low-temperature method.* (1) Cooling until the approximate center of the fruit reaches a temperature of 33° F. and holding the fruit at or below that temperature for a period of 18 days.

(2) Cooling until the approximate center of the fruit reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 20 days.

(3) Cooling until the approximate center of the fruit reaches a temperature of 35° F. and holding the fruit at or below that temperature for a period of 22 days.

Such treatments as specified in paragraphs (a) and (b) of this section are authorized in sterilization or refrigeration plants in the regulated area which are approved by the Bureau of Entomology and Plant Quarantine. The Bureau will approve only those plants which are adequately equipped to handle and sterilize the fruit. Such sterilization will

be done under the supervision of inspectors of the Bureau. These inspectors should at all times be given access to fruit while in process of sterilization.

While the results of the experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in operation may result in injury to fruit. In authorizing the movement of fruit sterilized in accordance with the above requirements, it is understood that the Department does not accept responsibility for fruit injury. [BEPQ 472, rev. 6 F. R. 4897]

§ 301.64-5 *Conditions required in the regulated area.* The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated area under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

(a) *Harvesting season and host-free period.* The harvesting season of grapefruit, sweet limes, and "sour" and "bittersweet" oranges produced within the regulated area shall begin on the first day of September each year and end at midnight on June 15 of the following year, and a host-free period for these fruits shall be maintained each year beginning on the 16th day of June and continuing through the last day of August: *Provided*, That the harvesting season of commercial varieties of sweet oranges, kumquats, tangelos, and all varieties of the mandarin group of oranges, shall extend throughout the year. However, sterilization as specified in § 301.64-4 (e) may be required for any citrus fruits, and the harvesting season and the host-free period in any regulated area shall be subject to such modification as to duration as may be approved by the Chief of the Bureau of Entomology and Plant Quarantine.

Prior to the host-free period each year, all grapefruit, sweet limes, and "sour" and "bittersweet" oranges shall be removed from the trees for destruction, immediate shipment, or storage with adequate protection to prevent infestation, and all noncitrus host fruits shall be removed from the trees and either destroyed or stored with adequate protection to prevent infestation.

Other than those citrus fruits, the harvesting season for which extends

throughout the year, no host fruits, shall be permitted to remain on the trees within a regulated area at any time during the host-free period except fruit in an immature stage.

(b) *Infested zones.* Upon the finding of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone to include part or all of one or several groves or larger areas shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and no host fruits in susceptible stages of maturity produced within such zone shall be moved interstate except under the conditions specified in the proviso of § 301.64-4 (a).

§ 301.64-6 *Inspection in transit.* Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by §§ 301.64 to 301.64-7, inclusive, shall be subject to inspection by inspectors at any time or place.

§ 301.64-7 *Shipment for experimental or scientific purposes.* Fruits subject to restriction in §§ 301.64 to 301.64-7, inclusive, may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of fruits so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

SUBPART—WHITE-FRINGED BEETLE

SOURCE: §§ 301.72 to 301.72-9 contained in Quarantine No. 72, 13 F. R. 2811, except as noted following section affected.

QUARANTINE

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture, having held the public hearing required thereunder, quarantines the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, to prevent the spread of dangerous infestations of introduced species of the

genus *Graphognathus* (formerly *Pantomorus*, subgenus *Graphognathus*), commonly known as white-fringed beetles, and under authority contained in the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.) the Secretary of Agriculture hereinafter prescribes regulations governing the movement of white-fringed beetles and carriers thereof. Hereafter, (a) live white-fringed beetles in any stage of development; (b) soil independently or in connection with nursery stock, plants, or other things; and (c) nursery stock, other plants or plant products, and other articles stipulated in said regulations shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory of the United States or the District of Columbia in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the requirements of this quarantine and of the regulations supplemental hereto are hereby limited to the areas in a quarantined State which are now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, adequate, in his judgment, to prevent the spread of the white-fringed beetles, but any such limitations shall be conditioned upon the control by the affected State or States, of the intrastate movement of said insect pests and carriers thereof under the same conditions as apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof, as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, except live white-fringed beetles in any stage of development, making it safe to modify, by making less stringent, the restrictions contained in such supplemental regulations, he shall set forth and publish such finding in ad-

ministrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.72a *Administrative instructions; articles exempt from certification.* (a) The following articles, the interstate movement of which is not considered to constitute a risk of white-fringed beetle dissemination, are hereby exempted from the requirements of the regulations of the quarantine when they are free from soil, when they have not been exposed to infestation, or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector.

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Scrap metal, junk, and cinders.

(4) Seed cotton and cottonseed.

(5) Processed and crude clay, and washed or processed sand and gravel, when they have been taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(b) Certification will still be required for the following articles and materials:

(1) Except as exempted in paragraph (a) (5) of this section, all soil, sand, gravel, clay, compost, manure, peat, or muck, whether moved independently or in connection with, or attached to, nursery stock, plants, products, articles, or things.

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Potatoes (Irish), when freshly harvested.

(6) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(7) Peanuts in shells and peanut shells.

(8) Peanut hay.

[BEPQ 485, 16th Rev., 13 F. R. 2767, redesignated at 13 F. R. 7382]

RULES AND REGULATIONS

§ 301.72-1 *Definitions*. For purposes of the regulations in this subpart the following terms shall have the meanings hereby assigned:

(a) *The pests*. Species of the genus *Graphognathus* (formerly *Pantomorus* subgenus *Graphognathus*), commonly known as white-fringed beetles, in any stage of development.

(b) *Infested (infestation)*. Infested by the pests. "Infestation" shall be construed accordingly.

(c) *Regulated area*. Any area in a quarantined State designated as regulated in the regulations in this subpart.

(d) *Infested area*. That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an inspector.

(e) *Regulated articles*. Products or articles of any character whatsoever, the movement of which is regulated by the quarantine and regulations in this subpart.

(f) *Nursery stock*. Forest, field, greenhouse-grown, and pot-grown annual or perennial plants with roots.

(g) *Chief of the Bureau*. Chief of the Bureau of Entomology and Plant Quarantine.

(h) *Inspector*. A duly authorized Federal plant-quarantine inspector.

(i) *Moved (move, movement)*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any regulated area of a quarantined State into or through any other State or Territory or District. "Move" and "movement" shall be construed accordingly.

(j) *Certificate*. An approved document issued by an inspector for use on individual containers of regulated articles, authorizing their movement from the regulated areas.

(k) *Master certificate*. An approved document, indicating the quantity and nature of the articles covered thereby, issued by an inspector for use with bulk or lot shipments of regulated articles by rail, boat, or road vehicle, authorizing their movement from the regulated areas.

(l) *Limited permit*. An approved document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized destinations for processing or other regulated safe handling.

(m) *Administrative instructions*. Documents relating to the enforcement of the quarantine in this subpart issued under authority of the provisions thereof by the Chief of the Bureau.

(n) *Dealer-carrier permit*. An approved document executed by persons or firms covering the restricted movement, processing, handling, or utilization of regulated articles not eligible for certification for interstate movement.

§ 301.72-2 *Regulated areas*. The following counties, parishes, cities, and towns or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

Alabama. Baldwin County: Sec. 31, T. 7 S., R. 4 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 6 and 7, T. 8 S., R. 4 E.; and secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.

Coffee County: S $\frac{2}{3}$ of T. 4 N., R. 20 E.; and all that part of T. 3 N., R. 20 E., lying in Coffee County.

Conecuh County: W $\frac{2}{3}$ T. 5 N., R. 9 E.; and those parts of Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., W $\frac{2}{3}$ T. 6 N., R. 9 E., and Tps. 7 and 8 N., R. 9 E., lying in Conecuh County.

Covington County: Secs. 30 and 31, T. 2 N., R. 18 E.; S $\frac{1}{3}$ Tps. 2 N., Rs. 16 and 17 E.; secs. 25, 26, 35, and 36, T. 2 N., R. 15 E.; E $\frac{1}{3}$ T. 1 N., R. 15 E.; Tps. 1 N., Rs. 16, 17, and 18 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 22 and 27, T. 6 N., R. 23 W.; NE $\frac{1}{4}$ T. 3 N., R. 18 E.; W $\frac{2}{3}$ T. 4 N., R. 18 E., including all of the town of Opp; all of T. 4 N., R. 17 E.; E $\frac{1}{3}$ T. 4 N., R. 16 E.; and N $\frac{1}{6}$ T. 3 N., R. 17 E.

Crenshaw County: Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dallas County: That area included within a boundary beginning on the Southern Ry. where it crosses Boguechitto Creek, thence SW. along the Southern Ry. to Caine Creek, thence SE. along Caine Creek to its intersection with Boguechitto Creek, thence northward along Boguechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E.; and secs. 1, 12, 13, 24, 25, and 36, T. 14 N., R. 10 E.

Escambia County: Secs. 1, 2, 11, 12, 13, 14, 32, 33, 34, 35, and 36 T. 1 N., R. 8 E., including all of the town of Flomaton; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama-Florida State line; and the N $\frac{1}{2}$ Tps. 3 N., Rs. 6 and 7 E.

Geneva County: Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; secs. 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 1 N., R. 20 E.; and all that part of T. 3 N., R. 20 E., lying in Geneva County.

Jefferson County: Secs. 17, 18, 19, 20, T. 18 S., R. 3 W., and all of the city of Birmingham.

Lowndes County: W $\frac{2}{3}$ T. 14 N., R. 12 E.

Mobile County: That area included within a boundary beginning at the intersection of the Mobile River and the northern boundary of the S $\frac{1}{2}$ T. 3 S., R. 1 W., thence west along said northern boundary to Eight Mile Creek, thence southwesterly along Eight Mile Creek to the point of intersection with the range line between Rs. 1 and 2 W., thence south along said range line to the Mobile city limits at Bolton's Creek, thence following the Mobile city limits easterly to Mobile Bay, thence north along Mobile Bay and Mobile River to the starting point; and all of Blakeley, Pinto, and Ship Islands; also that part of T. 5 S., R. 2 W., lying south of Halls Mill Creek; all of T. 6 S., R. 2 W., except secs. 25, 26, 27, 34, 35, and 36; those parts of Tps. 6 S., Rs. 3 and 4 W., lying south of the old Pascagoula Road; N $\frac{1}{3}$ T. 7 S., R. 4 W.; secs. 4, 5, 6, 7, 8, and 9, T. 7 S., R. 3 W.; secs. 29, 30, 31, and 32, T. 3 S., R. 2 W.; secs. 5, 6, 7, and 8, T. 4 S., R. 2 W.; secs. 25, 26, 35, and 36, T. 3 S., R. 3 W.; and secs. 1, 2, 11, and 12, T. 4 S., R. 3 W.

Monroe County: S $\frac{1}{2}$ T. 5 N., R. 6 E.; NE $\frac{1}{4}$ T. 5 N., E $\frac{1}{2}$ Tps. 6, 7, 8, and 9 N., and SE $\frac{1}{4}$ T. 10 N., R. 7 E.; Tps. 7, 8, and 9 N., and S $\frac{1}{2}$ T. 10 N., R. 8 E.; all of T. 9 N., and S $\frac{1}{2}$ T. 10 N., R. 9 E.; and those parts of Tps. 3 and 4 N., R. 6 E., T. 4 N., and S $\frac{1}{2}$ T. 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., and Tps. 6, 7, and 8 N., R. 9 E., lying in Monroe County.

Montgomery County: That area included within a boundary beginning at a point where the east line of sec. 11, T. 17 N., R. 18 E., intersects the Tallapoosa River; thence downstream along the Tallapoosa River to its confluence with Dead River; thence along Dead River to its confluence with the Alabama River; thence along the Alabama River to a point where it intersects the west line of sec. 28, T. 17 N., R. 17 E.; thence south along the section line to the SW. corner sec. 28, T. 16 N., R. 17 E.; thence east along the section line to the SE. corner sec. 26, T. 16 N., R. 18 E.; and thence north along the section line to the point of beginning.

Wilcox County: N $\frac{1}{2}$ T. 10 N., and all of T. 11 N., R. 9 E.; N $\frac{1}{2}$ T. 10 N., R. 8 E.; NE $\frac{1}{4}$ T. 10 N., R. 7 E.; and NE $\frac{1}{4}$ T. 10 N., R. 10 E.

Florida. Escambia County: All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the southern boundary of T. 5 N., and east of the western boundary of R. 31 W.

Holmes County: Secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; secs. 24, 26, 27, 34, 35, and 36, T. 6 N., R. 15 W.; and secs. 1, 2, 3, 10,

11, 12, 13, 14, 15, 22, 23 and 24, T. 5 N., R. 15 W.

Okaloosa County: T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, and 24, T. 3 N., R. 24 W.

Santa Rosa County: Secs. 2, 3, 4, and 5, T. 5 N., R. 28 W.; secs. 26, 27, 28, 29, 32, 33, 34, and 35, T. 6 N., R. 28 W., and all area north thereof to the Florida-Alabama State line.

Walton County: All of Tps. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; Tps. 4 N., Rs. 19 and 20 W.; that portion of T. 3 N., R. 20 W., lying north of U. S. Highway No. 90; and all of T. 3 N., R. 19 W.

Georgia. Baldwin County: That area included within the corporate limits of the town of Milledgeville.

Ben Hill County: That area bounded on the east by a line parallel to and $\frac{1}{2}$ mile east of the Fitzgerald city limits, on the south by a line parallel to and $\frac{1}{2}$ mile south of the Fitzgerald city limits, on the west by a line parallel to and $\frac{1}{2}$ mile west of the Fitzgerald city limits, on the north by a line parallel to and $\frac{1}{2}$ mile north of the Fitzgerald city limits, and the projections of such lines to their intersections, including all of the city of Fitzgerald.

Bibb County: That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard, and that portion of the Georgia Militia District of Rutland lying east of U. S. Highway No. 41, including all of the city of Macon.

Bleckley County: That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a circle having a 2 $\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines.

Bulloch County: That area included within a circle having a 2-mile radius and center at the Court House in Statesboro, including all of the town of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County: That area, comprising parts of Georgia Militia Districts No. 60 and No. 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County: That area included within a circle having a 1 $\frac{1}{4}$ -mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the town of Metter.

Clayton County: That area located between the towns of Lovejoy and Jonesboro included within land lots numbers 98, 99, 100, 124, 125, 126, 127, 130, 131, 132, 133, 157, 158, and 159 in the Sixth Land District.

Coffee County: That area included within the corporate limits of the town of Douglas; and that area included within a circle having a 1-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all the town of Ambrose.

Crisp County: That area included within the corporate limits of the city of Cordele.

Dodge County: That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County: That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Evans County: That area included within a circle having a 1-mile radius and center at the Seaboard Air Line Railroad depot in Daisy, including all of the town of Daisy.

Houston County: That area included within the Lower Fifth Georgia Militia District, including all of the town of Warner Robins, and all of Robins Air Force Base.

Irwin County: That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and Jefferson Davis Memorial State Park Road; that area included within the corporate limits of the town of Ocilla; and an area 1 mile wide beginning at the Irwin-Coffee County line and extending northwesterly with the Atlanta, Birmingham and Coast Railroad as a center line for a distance of 2 miles.

Jasper County: That area included within Georgia Militia Districts numbers 262, 289, 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County: All that area included within the corporate limits of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Ry. depot in the town of Bartow, including all of the town of Bartow.

Johnson County: That area included within the corporate limits of the town of Wrightsville; and an area 1 mile wide beginning at the western corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ochoopee River.

Laurens County: That area bounded on the east by Oconee River, on the south by Long Branch, on the west by a line beginning at the point where Georgia State Highway 19 crosses Sandy Ford Branch west of Dublin and extended due north and due south to the points of its intersection with

the north and south boundaries, and on the north by Hunger and Hardship Creek, including all of the city of Dublin; that portion of the Georgia Militia District of Harvard included within a circle having a 2½-mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of that portion of Allentown lying in Laurens County; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County: That area included within the Georgia Militia District of Marshallville, including all of the town of Marshallville.

Monroe County: That area included within the corporate limits of the town of Forsyth.

Montgomery County: That area bounded on the east by the Toombs-Montgomery County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the towns of Mount Vernon and Ailey.

Newton County: That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County: That area included within the Georgia Militia District of Fort Valley, including all of the town of Fort Valley.

Putnam County: That area included within the Georgia Militia District of Ashbank.

Richmond County: That portion of the Georgia Militia District of Forest Hills lying north of Raes Creek and Lake Olmsted and bounded on the west by the Berkman Road to its intersection with the Washington Road and thence by a due north-south line to the point of intersection with the Augusta Canal.

Screven County: That area included within a circle having a 2-mile radius and center at the County Court House in Sylvania, including all of the town of Sylvania.

Sumpter County: That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the eastern corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County: That area bounded on the east by a line parallel to and 1 mile east of the corporate limits of the town of Reynolds, on the south by a line parallel to and 1 mile south of such corporate limits, on the west by a line parallel to and 1 mile west of such corporate limits, on the north by a line parallel to and 1 mile north of such corporate limits, and the projections of such lines to their intersections, including all of the town of Reynolds; and that area included within the corporate limits of the town of Butler.

Toombs County: That area bounded on the east by the east boundaries of Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line and

on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County: That area included within the corporate limits of the town of Soper-ton.

Turner County: That area bounded on the east by a line parallel to and $\frac{1}{2}$ mile east of the corporate limits of the town of Sycamore, on the south by a line parallel to and $\frac{1}{2}$ mile south of such corporate limits, on the west by a line parallel to and $\frac{1}{2}$ mile west of such corporate limits, on the north by a line parallel to and $\frac{1}{2}$ mile north of such corporate limits, and the projections of such lines to their intersections, including all of the town of Sycamore.

Twiggs County: That portion of the Georgia Militia District of Higgsville included within a circle having a $2\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County: That area included within a circle having a 3-mile radius and center at the Sandersville High School, including all of the town of Sandersville.

Wheeler County: That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County: That portion of the Georgia Militia District of Turkey Creek included within a circle having a $2\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

Louisiana. All of Orleans Parish, including the city of New Orleans; and all of St. Bernard Parish.

Iberia Parish: Secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish: That part lying north of the township line between Tps. 14 and 15 S.

Plaquemines Parish: That part lying north of the township line between Tps. 15 and 16 S.

Saint Tammany Parish: Secs. 38, 39, 40, T. 7 S., R. 11 E.; and secs. 40 and 41, T. 8 S., R. 11 E.

Tangipahoa Parish: Secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Mississippi. *Covington County:* W $\frac{1}{2}$ T. 8 N., R. 14 W., and all of T. 8 N., R. 15 W.; S $\frac{2}{3}$ Tps. 8 N., Rs. 16 and 17 W.; N $\frac{1}{6}$ T. 7 N., R. 16 W., and that part of N $\frac{1}{6}$ T. 7 N., R. 17 W., lying in Covington County; T. 7 N., R. 15 W.; E $\frac{1}{2}$ T. 6 N., R. 15 W.; W $\frac{1}{2}$ T. 6 N., R. 14 W.; secs. 28, 29, 30, 31, 32, and 33 T. 7 N., R. 14 W.; those parts of NW $\frac{1}{4}$ T. 9 N., R. 16 W., and NE $\frac{1}{4}$ T. 9 N., R. 17 W., lying in Covington County; and that part of SW $\frac{1}{4}$ T. 7 N., R. 16 W., lying in Covington County.

Forrest County: T. 5 N., R. 14 W.; S $\frac{1}{3}$ T. 5 N., R. 13 W., and that part of N $\frac{2}{3}$ T. 5 N., R. 13 W., lying west of Leaf River; Tps. 3 and 4 N., R. 13 W.; and those parts of Tps. 3 and 4 N., R. 12 W., lying west and south of Leaf River; Tps. 1 and 2 N., R. 12 W.; T. 1 S., R. 12 W.; and E $\frac{1}{3}$ T. 1 S., R. 13 W.

Hancock County: Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 5 S., R. 14 W. and Twps. 8 and 9 S., R. 14 W., including all of the town of Bay Saint Louis.

Harrison County: That area included within a boundary beginning at the NE. corner sec. 30, T. 4 S., R. 10 W.; thence west along the county line to the NW. corner sec. 30, T. 4 S., R. 12 W.; thence south to the NE. corner sec. 1, T. 5 S., R. 13 W.; thence west to the NW. corner sec. 2, T. 5 S., R. 13 W.; thence south to the NE. corner sec. 27, T. 7 S., R. 13 W.; thence west to the county line or the NW. corner sec. 30, T. 7 S., R. 13 W.; thence south to the Mississippi Sound; thence eastward along the Mississippi Sound to a point of intersection with the Bay of Biloxi; thence westward along the Bay of Biloxi to the SE. corner sec. 16, T. 7 S., R. 9 W.; thence north along the county line to the NE. corner sec. 33, T. 6 S., R. 9 W.; thence west to the NW. corner sec. 32, T. 6 S., R. 10 W.; and thence north to the point of beginning.

Hinds County: E $\frac{1}{2}$ T. 6 N., R. 3 W.; and W $\frac{1}{3}$ T. 6 N., R. 2 W.

Jackson County: That area included within a boundary beginning at a point where the east line of sec. 19, T. 7 S., R. 5 W., intersects Escatawpa River, thence west along said river to the Pascagoula River, thence south along the Pascagoula River to the township line between Tps. 7 and 8 S., thence east to the SE. corner sec. 31, T. 7 S., R. 5 W., thence north to the starting point; all that part of T. 7 S., R. 9 W., lying in Jackson County; and W $\frac{2}{3}$ Tps. 7 and 8 S., R. 8 W.

Jefferson Davis County: Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 8 N., R. 19 W.; NE $\frac{1}{4}$ T. 7 N., R. 19 W.; secs. 5, 6, 7, 8, 17, and 18, T. 7 N., R. 18 W., including all of the town of Prentiss; S $\frac{2}{3}$ T. 8 N., R. 18 W.; that part of N $\frac{1}{6}$ T. 7 N., R. 17 W., lying in Jefferson Davis County; and that part of SW $\frac{1}{4}$ T. 7 N., R. 16 W., lying in Jefferson Davis County.

Jones County: That part of T. 10 N., R. 11 W., lying in Jones County, except secs. 24, 25, and 36; those parts of Tps. 10 N., Rs. 12 and 13 W., lying in Jones County; all of Tps. 9 N., Rs. 12 and 13 W.; all of T. 9 N., R. 11 W., except secs. 1 and 12; E $\frac{2}{3}$ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; N $\frac{2}{3}$ T. 8 N., R. 11 W.; N $\frac{1}{2}$ T. 7 N., R. 12 W.; secs. 29, 30, 31, and 32, and those parts of secs. 28 and 33 lying west of Leaf River, all in T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lamar County: That part of T. 1 N., R. 14 W., lying in Lamar County; all of Tps. 2, 3, and 4 N., R. 14 W.; E $\frac{1}{3}$ T. 1 N., R. 15 W.; secs. 1 and 2, T. 1 S., R. 15 W.; and sec. 6, T. 1 S., R. 14 W., including all of the towns of Lum-berton and Purvis.

Pearl River County: W $\frac{1}{2}$ T. 2 S., R. 15 W.; secs. 3, 4, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 1 S., R. 15 W.; secs. 1, 12, 13, 24, 25, and 36, T. 2 S., R. 16 W.; all of T. 5 S., R. 16 W.; and E $\frac{1}{2}$ T. 5 S., R. 17 W.

Perry County: S $\frac{2}{3}$ T. 3 N., R. 11 W.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 3 N., R. 10 W.

Rankin County: E $\frac{1}{2}$ T. 3 N., R. 2 E.; and all of T. 3 N., R. 3 E.

Simpson County: E $\frac{2}{3}$ T. 2 N., R. 3 E.; all of T. 2 N., R. 4 E.; N $\frac{1}{6}$ T. 1 N., R. 4 E.; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; secs. 25, 26, 35, and 36, T. 1 N., R. 5 E.; secs. 4, 5, 6, 7, 8, and 9, T. 10 N., R. 17 W.; and secs. 1 and 12, T. 10 N., R. 18 W.

Stone County: W $\frac{1}{3}$ Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 4 S., R. 11 W.; E $\frac{1}{3}$ T. 2 S., R. 12 W.; secs. 3, 4, 5, 8, 9, and 10, T. 2 S., R. 12 W.; E $\frac{1}{3}$ T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

North Carolina. Anson County: That area bounded on the east by a due north-south line 1 mile east of the intersection in Peachland of U. S. Highway No. 74 and the Diamond Hill Road, on the west by a due north-south line intersecting U. S. Highway No. 74 at the point where it crosses Lanes Creek, on the north by a due east-west line 1 $\frac{1}{10}$ miles north of the intersection in Peachland of U. S. Highway No. 74 and the Diamond Hill Road, on the south by a line parallel to the south corporate limits of Peachland $\frac{4}{10}$ mile south of such corporate limits, and the projections of such lines to their intersections; also all that area included within the corporate limits of Polkton.

Bladen County: All of the area included within the corporate limits of Bladenboro.

Brunswick County: All of Eagles Island.

Cumberland County: That area included within a boundary beginning at the junction of the Cumberland-Hope Mills Road and the Fayetteville-Dundarrach Road, thence following a line due south to the point of intersection with Rockfish Creek; thence easterly along Rockfish Creek to the point where it is crossed by U. S. Highway No. 301; thence northeasterly along U. S. Highway No. 301 to a point of intersection with a line projected due east from the junction of the Cumberland-Hope Mills Road and the Fayetteville-Dundarrach Road; and thence west along said line to the point of beginning.

New Hanover County: All of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the new Sunset Park-Winter Park Road.

Onslow County: An area 1 mile wide extending from the junction of U. S. Highway No. 17 and U. S. Highway No. 24 west of Jacksonville and following U. S. Highway No. 17 with said highway as a center line to the eastern boundary of Hoffman Forest, includ-

ing all of the town of Jacksonville; and an area 1 mile wide beginning at the eastern corporate limits of Jacksonville and extending southeasterly along U. S. Highway No. 24 with said highway as a center line to North-east Creek.

Pender County: Townships of Burgaw, Caswell, Long Creek, and Rocky Point; that part of Columbia Township lying south of a straight line constituting a projection eastwardly of the northern boundary line of Caswell Township to its intersection with the northern boundary of Burgaw Township; and that part of Grady Township north of the Long Creek-Montague-Burrough Road.

Robeson County: That area bounded on the south by a line $\frac{1}{2}$ mile south of and parallel to the south corporate limits of Parkton, on the west by a line $\frac{2}{10}$ mile west of and parallel to the west corporate limits of Parkton, on the north and east by the north and east corporation limit lines, respectively, of Parkton, and the projections of such lines to their intersections.

Union County: All of that area included within the corporate limits of Marshville.

Wayne County: All of Goldsboro Township; that area bounded on the north by a due east-west line $\frac{1}{2}$ mile north of the intersection in Pikeville of the Atlantic Coast Line Railroad and Main Street, on the south by a due east-west line $\frac{1}{2}$ mile south of said intersection, on the east and west by the east and west corporation limit lines, respectively, of Pikeville, and the projections of such lines to their intersections.

South Carolina. Fairfield County: That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5 $\frac{1}{2}$ miles northwest of the town of Winnsboro.

Richland County: All of Columbia township, including all of the city of Columbia.

§ 301.72-3 *Regulated articles*—(a) *Articles the movement of which is prohibited.* The movement of live white-fringed beetles in any stage of development, except for scientific purposes, is prohibited. Provisions for the movement of live white-fringed beetles in any stage of development, for scientific purposes are set forth in § 301.72-9.

(b) *Articles the movement of which is regulated.* Except as provided in administrative instructions, the movement of the following articles from any regulated area is regulated throughout the year:

(1) Soil, sand, gravel, clay, compost, manure, peat, or muck, whether moved independently or in connection with or attached to nursery stock, plants, products, articles, or things.

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Uncleaned grass, grain, and legume seed.

(6) Potatoes (Irish), when freshly harvested.

(7) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(8) Hay and straw.

(9) Peanuts in shells and peanut shells.

(10) Seed cotton and cottonseed.

(11) Scrap metal, junk, and cinders.

§ 301.72-4 *Conditions of movement—*

(a) *Certification required.* Regulated articles shall not be moved from any regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector, except as provided in § 301.72-5 (b) or as exempted in administrative instructions issued by the Chief of the Bureau.

(b) *Use of certificates on shipments.* Unless exempted by administrative instructions, and except as provided in § 301.72-5 (b) for movement of noncertified shipments under limited permits to designated destinations for processing, every container of regulated articles moved from any regulated area shall have securely attached to the outside thereof a certificate issued in compliance with the regulations in this subpart. However, in the case of bulk or lot shipments by rail a master certificate shall be attached to the waybill in lieu of the foregoing. In the case of bulk or lot shipments by road vehicle a master certificate shall accompany the vehicle and be surrendered to the consignee on delivery.

(c) *Articles originating outside the regulated areas.* No certificates are required for the movement of regulated articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles are protected, while in the regulated area, in a manner satisfactory to the inspector.

§ 301.72-5 *Conditions under which certificates and permits may be issued—*

(a) *Issuance of certificates.* Certificates authorizing the movement of soil, sand, gravel, clay, compost, manure, peat, or muck, originating in noninfested parts of

the regulated areas, and of all other regulated articles from any part of the regulated areas may be issued upon determination by the inspector that the articles (1) are apparently free from infestation, (2) have been treated, fumigated, sterilized, or processed under the observation of an inspector according to methods selected by him from administratively authorized procedures known to be effective under the conditions applied, or (3) were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

Certificates authorizing the movement of soil, sand, gravel, clay, compost, manure, peat, or muck, originating in an infested area may be issued only when such materials have been treated or processed under the observation of an inspector according to methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(b) *Limited permits.* Limited permits may be issued for the movement from a regulated area of noncertified regulated articles to such destinations and consignees outside the regulated area as may be authorized and designated by the Chief of the Bureau, for processing or other safe handling. As conditions of such authorization and designation, persons or firms moving and receiving such articles must maintain such sanitary safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated articles and cleaning of railway cars, trucks, or other vehicles used in the transportation of such articles as may be required. The above conditions shall be covered by a signed agreement.

(c) *Dealer-carrier permit.* As a condition of issuance of certificates or permits for the movement of regulated articles, those persons within the regulated area engaged in purchasing, assembling, exchanging, processing, or carrying such regulated articles originating or stored in regulated areas, may be required to execute a signed agreement stipulating that the permittee will carry out any and all conditions, treatments, precautions, and sanitary measures which are deemed necessary by the inspector, including segregation and maintenance of identity, under supervision of the inspector, of all regulated articles. Failure by the

permittee to carry out all conditions, as stipulated in a signed dealer-carrier permit, will subject all articles handled by him, originating outside the regulated area, to the same restrictions as those originating within the regulated area.

(d) *Cost.* The United States Department of Agriculture will not be responsible for any cost incident to inspection or treatment other than the services of the inspector.

§ 301.72-6 *Request for certification; assembly of articles.* Persons intending to move regulated articles, the certification of which is required, from regulated areas shall request certification as far as possible in advance of the probable date of movement, and they may be required to prepare and assemble the articles to be inspected so that they may be readily examined by the inspector.

§ 301.72-7 *Cancellation of certificates or permits.* Certificates or permits issued under the regulations in this subpart may be withdrawn or canceled and further certification refused by the inspector whenever he determines the further use of such certificates or permits might result in the dissemination of white-fringed beetles.

§ 301.72-8 *Disinfecting vehicles, machinery, containers, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfestation, or other sanitary treatments of forest products, building materials, railway cars, trucks, other vehicles, machinery, implements, containers, or other articles will be required by the inspector before they may be moved to points outside the regulated areas.

§ 301.72-9 *Shipments for scientific purposes.* Live white-fringed beetles, in any stage of development, and regulated articles may be moved for scientific purposes on such conditions as may be prescribed by the Chief of the Bureau. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

SUBPART—CITRUS CANKER DISEASE FROM HAWAII

§ 301.75 *Notice of quarantine.* (a) The Secretary of Agriculture, having given the public hearing required by law, quarantines the Territory of Hawaii in order to prevent the spread therefrom of a dangerous plant disease known as

citrus canker (*Xanthomonas citri* (Hasse) Dowson), and other citrus diseases not now known to be widely prevalent or distributed within and throughout the United States.

(b) Hereafter plants or any plant part, except fruits and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioidae of the botanical family Rutaceae shall not be shipped, offered for shipment to a common carrier, transported, carried, moved, or allowed to be moved from the Territory of Hawaii into or through any other State or Territory or District of the United States in any manner or by any method, except that this subpart shall not apply to shipments for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and under such requirements as may be prescribed by the Chief of Bureau of Entomology and Plant Quarantine for such shipments.

(c) This subpart shall be effective on and after September 15, 1947.

[BEPQ 75, 12 F. R. 5607]

Part 302—District of Columbia; Movement of Plants and Plant Products

ORDER

Sec.

302.1 Movement of plants and plant products into and out of the District of Columbia.

RULES AND REGULATIONS

302.2 Definitions.

302.3 Unrestricted articles.

302.4 Requirements relating to nursery stock and other plants and plant products.

302.5 Shipments which fail to comply with regulations.

302.6 Certification of nursery stock and herbaceous perennial plants, bulbs, and roots.

AUTHORITY: §§ 302.1 to 302.6 issued under sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 15, 41 Stat. 726, as amended; 7 U. S. C. 167.

SOURCE: §§ 302.1 to 302.6 contained in BEPQ-DC Regulations, 3 F. R. 829.

ORDER

§ 302.1 *Movement of plants and plant products into and out of the District of Columbia.* The Secretary of Agriculture, as required by the Plant Quarantine Act of August 20, 1912, as amended, (41 Stat. 726; 7 U. S. C. 167) does hereby order that

no plants or plant products shall be moved into or out of the District of Columbia except in compliance with the rules and regulations supplemental hereto which are hereby promulgated: *Provided*, That certain plants or plant products may be exempted from the rules and regulations in this part by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of dangerous plant pests.

[Order for control of movement of plants and plant products into and out of the District of Columbia, Apr. 27, 1938.]

RULES AND REGULATIONS

§ 302.2 *Definitions*. For the purpose of the regulations in this part the following words, names, and terms shall be construed, respectively, to mean:

(a) *Nursery stock*. All trees, shrubs, and plants having a persistent woody stem, and parts thereof capable of propagation, except fruit pits and seeds, provided that foreign-grown seeds of woody plants, of palms, of *Vicia* (vetch, etc), and of *Lathyrus* (sweet peas, etc.), are defined as nursery stock.

(b) *Herbaceous perennial plants, bulbs, and roots*. Plants whose roots persist 2 or more years but which lack persistent woody stems above the ground. This term includes fibrous-rooted perennials, such as strawberry plants and phlox; bulbs, such as narcissus and crocus; corms, such as gladiolus; tubers, such as dahlia; fleshy roots, such as peony; rhizomes, such as iris; and such greenhouse-grown plants as ferns, geraniums, orchids, etc.

(c) *Annual plants*. Plants grown from seed for bloom or food the same season and living only 1 year. This term includes such plants as cabbage, tomato, and aster.

(d) *Inspector*. Plant quarantine inspector of the United States Department of Agriculture.

(e) *Moved*. Offered for movement to or received for transportation by a common carrier or moved by any means whatever into or out of the District of Columbia.

(f) *Certificate*. A certificate showing that the nursery or premises from which the plants or plant products were taken were inspected within 1 year prior to the date of shipment and were found to be free from injurious insect pests and plant

diseases, or that the plants or plant products were inspected prior to shipment and found to be free from injurious insect pests and plant diseases.

§ 302.3 *Unrestricted articles*. No requirements as to certification or labeling are placed by the regulations in this part¹ on the entry into or movement out of the District of Columbia of (a) annual plants, cut flowers, or decorative plant material (such as branches and Christmas trees); (b) seeds, except certain foreign-grown seeds as defined in § 302.2 (a); nor of (c) other plants and plant products not included in the definitions in § 302.2 (a), (b). The requirements as to delivery of plant materials are stated in § 302.4 (c).

§ 302.4 *Requirements relating to nursery stock and other plants and plant products*—(a) *Certification and marketing of nursery stock*. No nursery stock as defined in § 302.2 shall be moved into the District of Columbia unless a valid certificate signed by the State nursery or horticultural inspector of the State or Territory or country from which the stock is shipped is attached to the outside of each package or other container. Each package or other container shall in addition be plainly marked with the names and addresses of the consignor and consignee and with a statement showing the nature of the contents.

(b) *Marking of herbaceous perennials, bulbs, or roots*. No herbaceous perennial plants, bulbs, or roots, as defined in § 302.2, shall be moved into the District of Columbia unless the container thereof is plainly marked with the names and addresses of the consignor and consignee and with a statement showing the nature of the contents.²

(c) *Delivery of plants and plant products*. (1) No nursery stock, herbaceous plants, bulbs, or roots, originating outside of the District of Columbia shall be delivered to the consignee in the District of Columbia by a common carrier or other person until such delivery is authorized by an inspector of the Bureau of Entomology and Plant Quarantine.

¹ Compliance with any special plant quarantine or restrictive order which may be applicable thereto is required. Information relative to such restrictions may be obtained from the Bureau of Entomology and Plant Quarantine.

² Herbaceous plants of foreign origin must be marked in accordance with the provisions of § 319.37.

(2) All nursery stock and herbaceous perennial plants, bulbs, and roots, annual plants, decorative plant material, and other plants and plant products, whether restricted or unrestricted, addressed to the United States Department of Agriculture, Washington, D. C., shall be delivered only at the Plant Inspection House of the Bureau of Entomology and Plant Quarantine (224 Twelfth Street SW.).

§ 302.5 *Shipments which fail to comply with regulations.* Plants and plant products shipped into the District of Columbia, which are found to be infected or infested with any plant pest or disease, or which have not been moved in full compliance with the regulations in this part, may be disposed of as authorized in the Plant Quarantine Act.

§ 302.6 *Certification of nursery stock and herbaceous perennial plants, bulbs, and roots.* (a) No nursery stock, or herbaceous perennial plants, bulbs, or roots, as defined in § 302.2, shall be moved out of the District of Columbia unless a certificate or permit has been issued therefor by the Bureau of Entomology and Plant Quarantine. Each package or other container of such plants, bulbs, or roots shall have such a certificate or permit attached to the outside thereof.

(b) A certificate or permit may be issued for the movement out of the District of Columbia of the nursery stock covered by this section, when it has been examined by an inspector and found apparently free from dangerous plant diseases and insects and when such shipment is found to comply in full with all Federal quarantine regulations.

(c) Nursery stock, herbaceous perennial plants, bulbs, or roots, to be shipped out of the District of Columbia must be presented at the Plant Inspection House of the Bureau of Entomology and Plant Quarantine (224 Twelfth Street SW.) for inspection at the time of shipment unless otherwise authorized by an inspector.

When large shipments are contemplated, arrangements may be made for inspection at other places by telephoning Republic 4142, Branch 2598, or writing the Bureau.

Application for inspection of articles the movement of which is restricted by quarantine regulations or other restrictive orders shall be made at a season of the year sufficiently in advance of the contemplated date of shipment to provide for compliance with regulations.

(d) No common carrier or other person shall accept for shipment or remove from the District of Columbia any nursery stock, herbaceous perennial plants, bulbs, or roots, unless the required certificate or permit has been issued and is securely attached to the outside of each container.

Part 319—Foreign Quarantine Notices

Subpart—Pink Bollworm of Cotton

QUARANTINE

Sec.

319.8 Notice of quarantine.

RULES AND REGULATIONS GOVERNING ENTRY OF COTTONSEED AND COTTONSEED HULLS FROM MEXICO

- 319.8-1 Applications for and issuance of permits.
- 319.8-2 Refusal of permits.
- 319.8-3 Notice of arrival.
- 319.8-4 Conditions of entry of cottonseed, and cottonseed hulls.
- 319.8-5 Other conditions governing the entry of cottonseed and cottonseed hulls from the specified area in the State of Tamaulipas, Mexico.

Subpart—Avocado Seed

- 319.12 Notice of quarantine.

Subpart—Sugarcane

- 319.15 Notice of quarantine.

Subpart—Citrus Canker and Other Citrus Diseases

- 319.19 Notice of quarantine.

Subpart—Corn Diseases

QUARANTINE

- 319.24 Notice of quarantine.

REGULATIONS GOVERNING ENTRY OF INDIAN CORN OR MAIZE

- 319.24-1 Applications for permits for importation of corn.
- 319.24-2 Permits for entry of corn.
- 319.24-3 Marking as condition of entry.
- 319.24-4 Notice of arrival of corn by permittee.
- 319.24-5 Condition of entry.

Subpart—Citrus Fruit

- 319.28 Notice of quarantine.

Subpart—Sweetpotatoes and Yams

- 319.29 Notice of quarantine.

Subpart—Banana Plants

- 319.31 Notice of quarantine.

Subpart—Bamboo

- 319.34 Notice of quarantine.

Subpart—Nursery Stock, Plants, and Seeds

QUARANTINE

- Sec.
319.37 Notice of quarantine.
- RULES AND REGULATIONS
- 319.37-1 Definitions.
319.37-2 Restricted plant material enterable without individual permits.
319.37-3 Bulbs.
319.37-4 Seeds.
319.37-5 Restricted plant material from Canada.
319.37-6 Restricted plant material generally.
319.37-7 Costs and charges.
319.37-8 Inspection; freedom from plant pests.
319.37-9 Treatment.
319.37-10 Importation by mail.
319.37-11 Notice of arrival.
319.37-12 Applications for and issuance of permits.
319.37-13 Certification.
319.37-14 Marking of containers.
319.37-15 Freedom from soil.
319.37-16 Approved packing materials.
319.37-16a Administrative instructions; list of approved packing materials and instructions for their use.
319.37-17 Prohibited plant material accompanying restricted plant material.
319.37-18 Size-age limitations.
319.37-19 Postentry quarantine.
319.37-20 Plant material refused entry.
319.37-21 Ports of entry.
319.37-22 Importations for exportations and importations for transportation and exportation.
319.37-23 Importations by the Department of Agriculture.
319.37-24 Cooperation with States.
319.37-25 Insects imported for scientific and educational purposes.

Appendix A.

Appendix B.

Subpart—Indian Corn or Maize, Broomcorn, and Related Plants

QUARANTINE

- 319.41 Notice of quarantine.
- RULES AND REGULATIONS
- 319.41-1 Plant products permitted entry.
319.41-2 Application for permits.
319.41-3 Issuance of permits.
319.41-4 Notice of arrival by permittee.
319.41-5 Conditions of entry.
319.41-5a Administrative instructions; method used for the disinfection of imported broomcorn and broomcorn brooms.
319.41-6 Importations by mail.

Subpart—Rice

QUARANTINE

- Sec.
319.55 Notice of quarantine.
- RULES AND REGULATIONS
- 319.55-1 Definitions.
319.55-2 Application for permit.
319.55-3 Ports of entry.
319.55-4 Issuance of permits.
319.55-5 Notice of arrival by permittee.
319.55-6 Inspection and disinfection at port of arrival.
319.55-7 Importations by mail.

Subpart—Fruits and Vegetables

QUARANTINE

- 319.56 Notice of quarantine.
- RULES AND REGULATIONS
- 319.56-1 Definitions.
319.56-2 Restrictions on entry of fruits and vegetables.
319.56-2a Permits required for entry of chestnuts and acorns.
319.56-2b Administrative instructions; conditions governing the entry of acorns and chestnuts.
319.56-2c Administrative instructions; restrictions affecting the importation and interstate movement of frozen-pack fruits.
319.56-2d Administrative instructions; sterilization of imported *Vinifera* grapes by refrigeration.
319.56-2e Administrative instructions; importation of *Vinifera* grapes and certain other deciduous fruits subject to in-transit sterilization authorized.
319.56-2f Administrative instructions; conditions governing the entry of *cipollini* from Morocco.
319.56-2g Administrative instructions; importation of oranges, grapefruit, and Manila mangoes authorized from Mexico subject to treatment.
319.56-3 Applications for permits for importation of fruits and vegetables.
319.56-4 Issuance of permits.
319.56-5 Notice of arrival by permittee.
319.56-6 Inspection and disinfection of importations of fruits and vegetables.
319.56-7 Inspection of baggage and cargo on the dock.

Subpart—Flag Smut

QUARANTINE

- 319.59 Notice of quarantine.

Subpart—Packing Materials

QUARANTINE

- 319.69 Notice of quarantine.

RULES AND REGULATIONS

- Sec.
 319.69-1 Definitions.
 319.69-2 Freedom from pests.
 319.69-3 Entry inspection.
 319.69-4 Disposition of materials found in violation.
 319.69-5 Types of soil authorized for packing.

Subpart—Dutch Elm Disease

QUARANTINE

- 319.70 Notice of quarantine.

RULES AND REGULATIONS

- 319.70-1 Definitions.
 319.70-2 Conditions governing the entry of elm and related plants from Europe.
 319.70-3 Conditions governing the entry of elm and related plants from Canada and other foreign areas north of the United States.
 319.70-4 Procedure for obtaining permits.
 319.70-5 Notice of arrival.
 319.70-6 Shipments for experimental or scientific purposes.

Subpart—Coffee

QUARANTINE

- 319.73 Notice of quarantine.

RULES AND REGULATIONS

- 319.73-1 Permit.
 319.73-2 Inspection and safeguard provisions.
 319.73-3 Restrictions on in-transit shipments.

Subpart—Cut Flowers

QUARANTINE

- 319.74 Notice of quarantine.

RULES AND REGULATIONS

- 319.74-1 Definitions.
 319.74-2 Regulated articles.
 319.74-2a Administrative instructions relative to the cut flower quarantine.
 319.74-3 Conditions governing the entry of cut flowers.
 319.74-4 Procedure for obtaining permits.
 319.74-5 Notice of arrival.
 319.74-6 Shipments for experimental or scientific purposes.

AUTHORITY: §§ 319.8 to 319.74-6 issued under Sec. 3, 33 Stat. 1270, Sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART—PINK BOLLWORM OF COTTON

CROSS REFERENCE: Entry of vehicles from Mexico; enforcement of pink bollworm quarantine: See Part 320 of this chapter.

SOURCE: §§ 319.8 to 319.8-5, contained in BEPQ Q. 8, 9, F. R. 13513, except as noted following sections affected.

QUARANTINE

§ 319.8 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture that an injurious insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saunders), new to and not heretofore widely distributed within and throughout the United States, exists in many foreign countries. Under the authority conferred by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151 et seq.), the Secretary of Agriculture hereby declares that it is necessary, in order to prevent the introduction into the United States of an injurious insect, to-wit, the pink bollworm of cotton, to forbid the importation into the United States of cottonseed of all species and varieties and cottonseed hulls from any foreign locality and country, excepting only the locality of the Imperial Valley in the Territory of Baja California, Mexico, including that portion of the Valley in the State of Sonora lying between San Luis Mesa and the Colorado River, and the area in the State of Tamaulipas, Mexico, adjacent to the United States, comprising the municipios of Guerrero, Mier, Camargo, Reynosa, Matamoros, Mendez, and San Fernando.

Hereafter and until further notice, by virtue of said Plant Quarantine Act, as amended, the importation for any purpose of cottonseed and cottonseed hulls from all foreign localities and countries, excepting only the locality of the Imperial Valley in the Territory of Baja California, Mexico, including that portion of the Valley in the State of Sonora lying between San Luis Mesa and the Colorado River, and the aforesaid area in the State of Tamaulipas, Mexico, is prohibited. Cottonseed and cottonseed hulls from the excepted locality and area in Mexico may be imported in accordance with the regulations promulgated supplemental to this quarantine.

RULES AND REGULATIONS GOVERNING ENTRY OF COTTONSEED AND COTTONSEED HULLS FROM MEXICO

§ 319.8-1 *Applications for and issuance of permits.* Persons desiring to import cottonseed and cottonseed hulls shall submit to the Bureau of Entomology and Plant Quarantine an application stating the name and address of the importer, the approximate quantity of cottonseed or cottonseed hulls which it is desired to import, the United States port of entry, the approximate date of

arrival, the place of origin in the Imperial Valley, Mexico, or in the area in the State of Tamaulipas, Mexico, specified in § 319.8. Upon receipt of such application and after approval by the Chief of the Bureau of Entomology and Plant Quarantine, a permit will be issued authorizing the importation from the Imperial Valley, Mexico, or the specified area in the State of Tamaulipas subject to the restrictions and requirements set forth in §§ 319.8-2 to 319.8-5.

[Quarantine No. 8, Amdt. to Reg. 1, 13 F. R. 571]

§ 319.8-2 *Refusal of permits.* Permits for the entry of cottonseed and cottonseed hulls from the Imperial Valley, Mexico, may be refused and existing permits may be canceled, unless effective quarantine measures are maintained by the duly authorized officials of Mexico, prohibiting the entry into Baja California of cottonseed, seed cotton, cottonseed hulls, and lint cotton, baled or unbaled, grown in other parts of Mexico or in foreign countries other than the United States.

Permits for the entry of cottonseed and cottonseed hulls originating in the area in the State of Tamaulipas, Mexico, specified in § 319.8, may be refused and existing permits canceled, unless effective quarantine measures are maintained by the duly authorized officials of Mexico, prohibiting the movement into the said specified area of cottonseed and seed cotton from other infested areas of Mexico, or from foreign countries other than the United States, and requiring the sterilization within such specified area of cottonseed in the ginning process and the subsequent handling of the sterilized seed to prevent contamination.

§ 319.8-3 *Notice of arrival.* Immediately upon the arrival of the cottonseed or cottonseed hulls at the port of entry the permittee shall submit in duplicate a notice, through the collector of customs, on forms provided for that purpose (Form EQ-368).

§ 319.8-4 *Conditions of entry of cottonseed and cottonseed hulls.* Cottonseed or cottonseed hulls from the Imperial Valley, Mexico, or the area in the State of Tamaulipas, Mexico, specified in § 319.8, shall not be entered or delivered to the importer or consignee until the collector of customs shall have received a notice in writing from an inspector of

the United States Department of Agriculture that such cottonseed and cottonseed hulls have been inspected by him or under his direction, and found to be free from infestation or infection. Each importation shall be subject to such inspection as may be necessary to determine its freedom from injurious insects and plant diseases and to such treatment as may be necessary in connection with pests found present. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the importer.

§ 319.8-5 *Other conditions governing the entry of cottonseed and cottonseed hulls from the specified area in the State of Tamaulipas, Mexico.* (a) Cottonseed to be eligible for importation into the United States from the area in the State of Tamaulipas, Mexico, specified in § 319.8 also must:

(1) Originate in the municipios of Guerrero, Mier, Camargo, Reynosa, Matamoros, Mendez, and San Fernando, in the State of Tamaulipas.

(2) Have been sterilized during the ginning process, stored in a manner to prevent subsequent contamination, and otherwise handled in a manner and under supervision satisfactory to the Chief of the Bureau of Entomology and Plant Quarantine.

(3) Be accompanied by either a certificate signed jointly by a responsible official of the Mexican Department of Agriculture and by an inspector of the United States Department of Agriculture or by separate certificates one of which is signed by a responsible official of the Mexican Department of Agriculture and the other signed by an inspector of the United States Department of Agriculture, that the products comply with subparagraphs (1) and (2) of this paragraph.

(4) Be consigned to a destination within, and move into the area of the State of Texas comprising the counties of Cameron, Hidalgo, Starr, and Willacy, where the degree of infestation of the pink bollworm is comparable to that in the adjacent specified area of origin in the State of Tamaulipas, Mexico.

(5) After importation, be handled and crushed under supervision of an inspector of the United States Department of Agriculture in accordance with the requirements of §§ 301.52-1 to 301.52-12 of this

chapter, as applicable to cottonseed produced in the counties of Cameron, Hidalgo, Starr, and Willacy of the State of Texas.

(6) Be imported only during the period of seasonal operation of the mills for crushing cottonseed of United States origin under supervision of inspectors of the United States Department of Agriculture.

(b) Cottonseed hulls to be eligible for importation from the area in the State of Tamaulipas, Mexico, specified in § 319.8, must be certified by an inspector of the United States Department of Agriculture as having been produced from cottonseed originating in the said specified area and from cottonseed which was sterilized during the ginning process and thereafter protected from contamination in manner and under supervision satisfactory to the Chief of the Bureau of Entomology and Plant Quarantine.

SUBPART—AVOCADO SEED

§ 319.12 *Notice of quarantine.* On and after February 27, 1914, and until further notice, by virtue of section 7 of the act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 317; 7 U. S. C. 160), the importation, from Mexico and the countries of Central America, of the seeds of the avocado or alligator pear, except for experimental or scientific purposes by the Department of Agriculture, is prohibited.

[Notice of Quarantine 12, Feb. 27, 1914]

SUBPART—SUGARCANE

§ 319.15 *Notice of quarantine.* On and after October 1, 1934, under authority conferred by the Plant Quarantine Act approved August 20, 1912 (37 Stat. 315; 7 U. S. C. 151–167), as amended, the importation into the United States of canes of sugarcane, or cuttings or parts thereof, sugarcane leaves, the bagasse, from all foreign countries and localities, is prohibited: *Provided*, That this prohibition shall not apply to importations by the United States Department of Agriculture for scientific or experimental purposes, nor to importations of specific materials which the Department may authorize under permit on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their entry will involve no pest risk.

[Notice of Quarantine 15, rev. Sept. 20, 1934]

SUBPART—CITRUS CANCKER AND OTHER CITRUS DISEASES

§ 319.19 *Notice of quarantine.* (a) The Secretary of Agriculture, having given the public hearing required by law, declares that it is necessary, in order to prevent the introduction into the United States of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson), and also other citrus diseases, all of which are new to and not heretofore widely prevalent or distributed within and throughout the United States, to forbid the importation into the continental United States, Puerto Rico, and Hawaii of plants or any plant part, except fruit and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae and Toddalioidae of the botanical family Rutaceae, from Europe, Asia, Africa, South America, Central America, North America outside of the United States, Australia, and foreign oceanic countries and islands.

(b) Hereafter the importation from the foreign countries and localities named of plants or any plant part, except fruit and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioidae of the botanical family Rutaceae, is prohibited.

(c) This prohibition shall not apply to importations for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and under such requirements as may be prescribed by the Chief of Bureau of Entomology and Plant Quarantine, for such importations.

(d) This section shall be effective on and after September 15, 1947, and shall supersede the quarantine revision issued August 17, 1934.

[BEPQ 19, 12 F. R. 5609]

SUBPART—CORN DISEASES

QUARANTINE

§ 319.24 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that maize or Indian corn (*Zea mays* L.) and closely related plants are subject to certain injurious diseases, especially *Peronospora maydis* Raciborski, *Sclerospora sacchari* Miyake and other downy mildews; also the *Physoderma* diseases of maize, *Physoderma zeae-maydis* Shaw, and *Physoderma*

maydis Miyake, new to and not heretofore widely prevalent or distributed within and throughout the United States, and that these diseases occur in southeastern Asia (including India, Siam, Indo-China and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Japan, and adjacent islands.

On and after July 1, 1916, and until further notice, by virtue of section 7 of the act of Congress approved August 20, 1912, known as the "Plant Quarantine Act" (37 Stat. 317; 7 U. S. C. 160), the importation into the United States, in the raw or unmanufactured state, from southeastern Asia (including India, Siam Indo-China and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Manchuria, Japan, and adjacent islands, of seed and all other portions of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of *Teosinte* (*Euchlaena*), jobs-tears (*Coix*), *Polytoca*, *Chionachne*, and *Sclerachne*, except for experimental or scientific purposes by the Department of Agriculture, except as provided in the regulations supplemental hereto, is prohibited.

[Notice of Quarantine 24, Apr. 29, 1916, as amended Mar. 1, 1917, and Apr. 23, 1917]

REGULATIONS GOVERNING ENTRY OF INDIAN CORN OR MAIZE

SOURCE: §§ 319.24-1 to 319.24-5 contained in Regulations governing the entry of Indian corn or maize from Japan and Manchuria, Department of Agriculture, Mar. 1, 1917 (Amdt. No. 1, with regs., to Notice of Quarantine No. 24).

§ 319.24-1 *Applications for permits for importation of corn.* Persons contemplating the importation of corn into the United States shall, before shipping the corn, make application for a permit, on forms provided for that purpose, to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington, D. C., stating the name and address of the exporter, the country and locality where grown, the port of departure, the proposed port of entry, and the name and address of the importer or of the broker in the United States to whom the permit should be sent.

§ 319.24-2 *Permits for entry of corn.* On approval of an application for the importation of corn a permit will be issued in quadruplicate. One copy will be furnished to the applicant for presentation to the customs officer at the port

of entry, one copy will be mailed to the collector at the port of entry, one copy to the inspector of the Department of Agriculture at the port of entry, and the fourth will be filed with the application. All permits will be valid from date of issuance until revoked. Permits will be issued for the port of Seattle and such other ports as may be specified in the permits.

Further permits may be refused and existing permits revoked, if the application therefor does not correctly give the locality where the corn was grown, or is false or deceptive in any material particular.

§ 319.24-3 *Marking as condition of entry.* Every bag or other container of corn offered for entry shall be plainly marked with such numbers or marks as will make it easily possible to associate the bags or containers with a particular importation.

§ 319.24-4 *Notice of arrival of corn by permittee.* Immediately upon the arrival of the corn at the port of entry the permittee shall submit in duplicate notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the number of bags or other containers of corn included in the shipment, the bag or container numbers or marks, the country and locality where grown, the name and address of the exporter or foreign shipper, the port of departure, the date of arrival, the name of the ship or vessel, and the designation of the dock where the corn is to be landed.

§ 319.24-5 *Condition of entry.* The corn shall not be removed from the port of entry, nor shall any bag or other container thereof be broken or opened, except for the purpose of sterilization, until a written notice is given to the collector of customs by an inspector of the Department of Agriculture that the corn has been properly sterilized and released for entry without further restrictions, so far as the jurisdiction of the Department of Agriculture extends thereto. All apparatus and methods for accomplishing such sterilization must be satisfactory to the Bureau of Entomology and Plant Quarantine. Corn will be delivered to the permittee for sterilization, upon the filing with the collector of customs of a bond in the amount of \$5,000, or in an amount equal to the invoice value of the corn if such value be less than \$5,000,

with approved sureties, conditioned upon sterilization of the corn, under the supervision and to the satisfaction of an inspector of the Department of Agriculture, and upon the redelivery of the corn to the collector of customs within 40 days from the arrival of the same at the port of entry.

SUBPART—CITRUS FRUIT

NOTE: Citrus nursery stock, except seeds, is prohibited entry from all foreign countries and localities by the citrus nursery stock quarantine No. 19 (§ 319.19).

The importation from all foreign countries of fruits of citrus and citrus relatives, other than those specified in this subpart, is restricted by the provisions of fruit and vegetable quarantine No. 56 (§§ 319.56 to 319.56-7).

§ 319.28 *Notice of quarantine.* Under the authority conferred by section 7 of the Plant Quarantine Act of August 20, 1912, as amended, and having held the public hearing required thereunder, the Secretary of Agriculture does hereby declare, (a) that in order to prevent the introduction into the United States of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson) the importation into the continental United States, Puerto Rico and Hawaii of all fruits and peel of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioidae of the botanical family Rutaceae from eastern and southeastern Asia (including India, Burma, Ceylon, Siam, Indo-China, and China), the Malayan Archipelago, the Philippine Islands, Oceania (except Australia and Tasmania), Japan (including Formosa and other islands adjacent to Japan), Mauritius, Mozambique, and Seychelles, is prohibited; (b) that in order to prevent the introduction into the United States of sweet orange scab (*Elsinoe australis* Bitanc. and Jenkins) the importation into the continental United States, Puerto Rico and Hawaii of fruits and peel of all genera, species, and varieties of *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. hystrix* DC., *C. limon* (L.) Burm. f., *C. paradisi* Macf., *C. reticulata* Blanco, *C. sinensis* (L.) Osbeck, and *Fortunella margarita* (Lour.) Swingle, from Argentina, Brazil, Paraguay, and Uruguay, is prohibited; and (c) that in order to prevent the introduction into the United States of the bacterial disease known as "Cancrosis B" the importation into the continental United States, Puerto Rico and Hawaii of fruits and peel of all genera, species, and varieties of

Citrus aurantifolia (Christm.) Swingle, *C. aurantium* L., *C. limon* (L.) Burm. f., *C. medica* L., and *C. sinensis* (L.) Osbeck, from Argentina, Paraguay, and Uruguay, is prohibited: *Provided*, That seeds and processed peel of fruits designated herein are excluded from the provisions of this quarantine. Such seeds, however, are subject to the requirements of the Nursery Stock, Plant, and Seed Quarantine, No. 37 (§§ 319.37 to 319.37-15).

This prohibition shall not apply to importations for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and under such requirements as may be prescribed in permits that may be issued by the Chief of the Bureau of Entomology and Plant Quarantine for such importations.

This revision of the quarantine shall be effective on and after October 25, 1947, and shall supersede the quarantine and regulations issued June 27, 1917.

[Quarantine No. 28, 12 F. R. 6347]

SUBPART—SWEETPOTATOES AND YAMS

§ 319.29 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that certain injurious insects, new to and not heretofore widely prevalent or distributed within and throughout the United States, namely, sweetpotato weevils (*Cylas* spp.), occur in Cuba, Haiti, Jamaica, British Guiana, India, China, Cochin China, Friendly Islands, Sumatra, Formosa, Philippine Islands, Australia, Madagascar, and Liberia, and the sweetpotato scarabee (*Euscepes batatae*), occurs in the Barbados, Antigua, Nevis, St. Vincent, St. Kitts, Jamaica, Brazil, New Zealand, and Guam.

On and after January 1, 1918, and until further notice, by virtue of the act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U. S. C. 151-167), the importation for any purpose of any variety of sweetpotatoes or yams (*Ipomoea batatas* and *Dioscorea* spp.) from the above-named and all other foreign countries and localities, is prohibited, except for experimental or scientific purposes by the Department of Agriculture: *Provided*, That the entry for immediate export, or for immediate transportation and exportation in bond, of sweetpotatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.) of all varieties designated in this quarantine may be permitted in accordance with §§ 352.2-352.8.

This notice of quarantine shall not apply to the Territories of Hawaii and Puerto Rico.

[Notice of Quarantine 29, Dec. 18, 1917]

SUBPART—BANANA PLANTS

§ 319.31 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that the banana root borer (*Cosmopolites sordidus* Germar), an injurious insect, new to and not heretofore widely prevalent or distributed within and throughout the United States, occurs in Jamaica, Trinidad, Dominica, Martinique, Guadeloupe, Barbados, Brazil, Philippine Islands, Fiji Islands, Sumatra, Java, Madagascar, Queensland, India, North Borneo, and British New Guinea.

On and after April 1, 1918, and until further notice, by virtue of the act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U. S. C. 151–167), the importation for any purpose, of any variety of banana plants (*Musa* spp.), or portions thereof, from the above-named and all other foreign countries and localities, is prohibited, except for experimental or scientific purposes by the Department of Agriculture: *Provided*, That the entry for immediate export, or for immediate transportation and exportation in bond, of banana plants (*Musa* spp.), or portions thereof, may be permitted in accordance with §§ 352.2–352.8.

This order places no restrictions on the importation of the fruit of the banana.

[Notice of Quarantine 31, Mar. 15, 1918]

SUBPART—BAMBOO

§ 319.34 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that dangerous plant diseases, including the bamboo smut (*Ustilago shiraiana*), new to and not heretofore widely prevalent or distributed within and throughout the United States, occur in Japan, China, India, Philippine Islands, Australia, New Zealand, Oceania, Africa, Europe, South America, British West Indies, Cuba, and Central America.

On and after October 1, 1918, and until further notice, by virtue of the act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U. S. C. 151–167), the importation for any purpose of any variety of bamboo seed, plants, or cuttings thereof capable of propagation, includ-

ing all genera and species of the tribe Bambuseae, from the above-named and all other foreign countries and localities, is prohibited, except for experimental or scientific purposes by the Department of Agriculture: *Provided*, That the entry for immediate export, or for immediate transportation and exportation in bond, of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, may be permitted in accordance with §§ 352.2–352.8.

This notice of quarantine does not apply to bamboo timber consisting of the mature dried culms or canes which are imported for fishing-rod, furniture-making, or other purposes, or to any kind of article manufactured from bamboo, or to bamboo shoots cooked or otherwise preserved.

[Notice of Quarantine 34, Aug. 8, 1918]

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

SOURCE: §§ 319.37 to 319.37–25 contained in Quarantine No. 37, 13 F. R. 4269.

§ 319.37 *Notice of quarantine.* (a) Under the authority conferred by section 5 of the Plant Quarantine Act (7 U. S. C. 159) and having given the public hearing required thereunder, the Secretary of Agriculture hereby determines that the unrestricted importation from any foreign country or locality, of field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, and fruit pits and other seeds of forest, fruit and ornamental trees and shrubs; bedding plants; other herbaceous plants, bulbs, and roots; field, vegetable, and flower seeds; and other plants and plant products for, or capable of, propagation may result in the entry into the United States, its Territories, and the District of Columbia of injurious plant diseases and insect pests. Hereafter all such nursery stock, and other plants and plant products, except those designated in paragraph (b) of this section, shall be subject to all the provisions of sections 1 through 4 of the Plant Quarantine Act (7 U. S. C. 154, 156, 157, 158) and shall not be imported into the United States, its Territories, or the District of Columbia except as provided in the regulations supplemental to this section: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that existing conditions as to the pest risk involved in the importation

of any of the above-designated nursery stock, other plants or plant products to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective; *Provided further*, That this quarantine shall not apply to nursery stock and other plants and seeds covered by special quarantines and other restrictive orders now in force or which may later be promulgated.

(b) Under the authority conferred by section 7 of the Plant Quarantine Act (7

U. S. C. 160) and having given the public hearing required thereunder, the Secretary of Agriculture hereby determines that, in order to prevent the introduction into the United States of certain tree, plant and fruit diseases, and injurious insects, new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to prohibit, and he hereby does prohibit, the importation into the United States, except by the United States Department of Agriculture for experimental or scientific purposes, of the following nursery stock and other plants and plant products from the foreign countries and localities hereinafter designated, because of the injurious insects or diseases therewith listed:

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
<i>Abies</i> spp.-----	All foreign countries except Canada.	50 or more species of rusts, <i>Phomopsis pseudotsugae</i> Wilson (Douglas fir canker). <i>Chrysomyxa abietis</i> (Wallr.) Ung. (A rust causing a serious needle disease.)
<i>Acacia</i> spp.-----	Australia and Oceania-----	<i>Uromycladium tepperianum</i> (Sacc.) McAlp. (Rust).
<i>Acer</i> spp.-----	Japan-----	<i>Xanthomonas acernea</i> (Ogawa) Burk (Leaf disease).
	Bulgaria, England, France, Germany and Japan.	Maple-variegation virus.
<i>Aesculus</i> spp.-----	Czechoslovakia, England and Germany.	Horsechestnut-variegation virus.
<i>Aleurites</i> spp.-----	China and Brazil-----	<i>Mycosphaerella aleuritidis</i> (Miyake) Ou (Leaf spot).
<i>Althaea</i> spp.-----	India-----	Hollyhock yellow-vein mosaic virus.
	Africa-----	<i>Ruga gossypii</i> (Cotton leafcurl virus).
<i>Anemone</i> spp.-----	Germany-----	<i>Galla anemones</i> Holmes (Anemone-Alloioophylly virus).
<i>Berberis</i> spp. (plants of all species not known to be immune or resistant to stem rust).	All foreign countries-----	<i>Puccinia graminis</i> Pers. (Black-stem rust).
<i>Berberis</i> spp. seed-----	do-----	Do.
<i>Castanea</i> spp.-----	All foreign countries when destined to California, Idaho, Oregon or Washington.	<i>Endothia parasitica</i> (Murr.) Ander. and Ander. (Chestnut bark disease).
<i>Castanopsis</i> spp.-----	do-----	Do.
<i>Cedrus</i> spp.-----	Europe-----	<i>Phomopsis pseudotsugae</i> Wilson (Douglas fir canker). <i>Fusarium fuliginosporum</i> Sibia (Seedling disease).
<i>Corylus</i> spp.-----	Canadian Provinces east of Manitoba, when destined to California, Oregon, or Washington.	<i>Cryptosporella anomala</i> (Pk.) Sacc. (Filbert blight).
	Bulgaria, England and Germany	Marmor Laburni Holmes (Laburnum-mosaic virus).
<i>Cytisus</i> spp.-----	New Zealand-----	<i>Daphne</i> mosaic virus.
<i>Daphne</i> spp.-----	India-----	<i>Datura</i> -mosaic virus.
<i>Datura</i> spp.-----	England-----	<i>Datura</i> virus 1 Smith and d'Oliveira (<i>Datura</i> -Virosis virus).
		Marmor tabaci var. <i>deformens</i> Holmes (Enation-mosaic strain of tobacco-mosaic virus).
<i>Dianthus</i> spp.-----	England-----	<i>Verticillium cinerescens</i> Wr.
<i>Eucalyptus</i> spp.-----	Argentina-----	Leaf chlorosis virus.
	Ceylon, Europe and Uruguay-----	<i>Pestalotia disseminata</i> Thuem. (Parasitic leaf fungus).
<i>Euonymus</i> spp.-----	Germany-----	Marmor euonymi Holmes (<i>Euonymus</i> -mosaic virus).
<i>Fraxinus</i> spp.-----	Europe-----	<i>Pseudomonas savastanoi</i> var. <i>fraxini</i> (Brown) Dowson (Canker and dwarfing disease of ash).

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Fruit and nut stocks, including seedlings, but excluding stocks imported for the vegetative propagation of the stocks themselves.	All foreign countries except Canada.	A diversity of plant pests.
Gladiolus spp.-----	Africa-----	Puccinia mecleanii Doidge. Uredo gladioli-buettneri Bub. Uromyces gladioli P. Henn. U. nyikensis Syd. U. transversalis (Thuem.) Wint. (Rusts). Ruga gossypii Holmes (Cotton leaf-curl virus). Yellow mosaic virus of okra. Ruga gossypii Holmes (Cotton leaf-curl virus). Mosaic-disease virus of okra. Hydrangea-virescence virus. Ilex-variegation virus. Jasmine-variegation virus. Exosporium deflectens Karst. (Needle-cast disease).
Gossypium spp.-----	All foreign countries-----	
Hibiscus spp.-----	India-----	
	Sudan and Nigeria, Africa-----	
Hydrangea spp.-----	Trinidad-----	
Ilex spp.-----	Germany-----	
Jasminum spp.-----	England and France-----	
Juniperus spp.-----	Belgium, England and Germany-----	
	Finland, Rumania-----	
Laburnum spp.-----	Bulgaria, England and Germany-----	Marmor laburni Holmes (Laburnum-mosaic virus).
Lantana-----	India-----	Chlorogenus santali Holmes (Sandal spike-disease of Lantana).
Larix spp.-----	Europe-----	Phomopsis pseudotsugae Wilson (Douglas fir canker).
Ligustrum spp.-----	Germany-----	Marmor ligustri Holmes (Ligustrum-mosaic virus).
Mahoberberis spp. (plants of all species not known to be resistant to rust).	All foreign countries-----	Puccinia graminis Pers. (Black-stem rust).
Mahoberberis spp. seed-----	do-----	Do.
Mahonia spp. (plants of all species not known to be resistant to rust).	do-----	Do.
Mahonia spp. seed-----	All foreign countries-----	Puccinia graminis Pers.
Malus spp. (except clonal understock).	Austria-----	Diaporthe mali Bres. (Leaf, branch and fruit fungus).
	China-----	Valsa mali Miyabe and Yamada ex M. Miura (Branch canker fungus).
	Europe-----	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit).
	Japan-----	Do.
		Valsa mali Miyabe and Yamada ex M. Miura (Branch canker fungus).
	Korea-----	Physalospora piricola Nose (Leaf, branch and fruit fungus).
	Manchuria-----	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit).
Malus spp.-----	South Africa-----	Do.
Mangifera spp. seeds-----	All foreign countries except those in the Western Hemisphere.	Mottle leaf or mosaic chlorosis of apple (Virus). Sternochetus mangifera F. (Mango weevil).
Morus spp.-----	China and Japan-----	Mulberry mosaic virus.
Nicotiana spp.-----	Australia and British Isles-----	Marmor lethale Holmes (Tobacco-necrosis virus).
Nut and fruit stocks-----	(See Fruit and Nut Stocks.)-----	Do.
Pelargonium spp.-----	Australia and British Isles-----	Chrysomyx a rhododendri (DC) D By. (Rust causing a serious needle disease).
Picea spp.-----	Europe, Japan, and Siberia-----	Phomopsis pseudotsugae Wilson (Douglas fir canker).
	Europe-----	Cronartium flaccidum (Alb. and Schwein) Wint. (Rust causing serious stunting of hard pines).
Pinus spp. (2- or 3-leaved)-----	Europe and Japan-----	An undescribed gall-forming rust.
	Japan-----	Cronartium ribicola Fischer (White-pine blister rust).
Pinus spp. (5-leaved)-----	All foreign countries when destined to States protected by Domestic Plant Quarantine No. 63. ¹	
Populus spp.-----	Europe-----	Pseudomonas rimaefaciens Koning (Canker).
Primula spp.-----	Australia and British Isles-----	Marmor lethale Holmes (Tobacco-necrosis virus).
Prunus spp. (including clones)-----	Germany-----	Pox-disease virus of sweet cherry.
	Switzerland-----	Rigi sweet cherry.
Prunus spp. (exclusive of clones).	Europe, Asia, Africa, Oceania (including Australia and New Zealand).	A diversity of plant diseases.
	All foreign countries except Canada when destined to California.	Do.

¹ 7 CFR 301.63 et seq. as amended.

Plant material	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Pseudotsuga spp.-----	Europe-----	Phomopsis pseudotsugae Wilson (Douglas fir canker).
Pyrus spp.-----	Europe, Japan, Manchuria, and South Africa. Japan and China-----	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit). Gymnosporangium haraeum Syd. (Rust). Gymnosporangium japonicum Syd. (Rust).
	Korea-----	Physalospora piricola Nose (Leaf, branch and fruit disease).
Quercus spp.-----	Japan-----	Stereum hiugense Imazeki (White rot); and an undescribed gall-forming rust.
Ribes nigrum (both plants and seeds).	All foreign countries when destined to States protected by Domestic Plant Quarantine No. 63. ¹	Cronartium ribicola Fischer (White-pine blister rust).
Ribes nigrum.-----	England and New Zealand-----	Aphelenchoides ribes (Taylor 1917) Goodey 1923 (Black currant eelworm).
	British Isles-----	Acrogenus ribis Burk. (Black currant reversion disease virus).
Rosa spp.-----	Australia, Italy and New Zealand.	Marmor flaccumfaciens Holmes (Rose wilt virus).
Salix spp.-----	England and the Netherlands-----	Bacterium salicis Day (Watermark disease).
Seeds of all kinds when in pulp.	All foreign countries-----	Fruitflies.
Sorbus spp.-----	Germany-----	Pyrus disease virus No. 1.
	China, Japan, Southeastern Asia, Philippine Islands, Oceania (including Australia and New Zealand).	Taphrina piri Kusano (Leaf distortion fungus).
Vitis spp.-----	Europe-----	Marmor viticola Holmes (Vinemosaic virus).
Wisteria spp.-----	Australia-----	Mosaic disease.

¹ 7 CFR 301.63 et seq. as amended.

RULES AND REGULATIONS

§ 319.37-1 *Definitions.* Words used in the singular form in the regulations in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of the regulations in this subpart the following words shall be construed, respectively, to mean:

(a) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(d) *Person.* Any individual, firm, corporation, company, society, association, or other organized group of any of the foregoing.

(e) *Importer.* The permittee, agent of the permittee, or other person bringing to the United States plant material which is subject to the quarantine and regulations in this subpart.

(f) *Plant pest.* Any living stage of the numerous small invertebrate animals belonging to the phylum Arthropoda (as, for example, insects, mites, ticks, centipedes, etc.), any form of elongated invertebrates lacking appendages, commonly referred to as worms (as, for example, nematodes), any form of protozoa, any form of fungi (as, for example, rusts, smuts, molds, and yeasts), any form of bacteria, any form of viruses, or any form of similar or allied organisms, which can directly or indirectly injure or cause disease in plants or parts thereof.

(g) *Restricted plant material.* Any living material the entry of which is not prohibited by any quarantine or order, and which is subject to the quarantine in this subpart, which is imported, offered for entry into, or arrives within the territorial limits of, the United States.

(h) *Bulbs.* The tubers of species of Anemone, Begonia, Cyclamen, Gloxinia, Ranunculus, and Eranthis, and the underground portions of plants of the botanical families Amaryllidaceae, Iridaceae, and Liliaceae, including bulbs, corms, rhizomes, tubers, pips, fleshy roots or other underground growths, a unit of which when planted produces an individual plant.

(i) *Seeds*.¹ The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(j) *Fruit and nut plants*. Woody plants grown commercially for their edible fruiting parts, such as apples, grapes, almonds, and currants, but not such as mulberry, oak, and ginko.

(k) *Fruit and nut stocks*. Plants which are to be budded or grafted with buds or scions of fruit or nut plants as distinguished from fruit and nut plants which are to be grown on for what they are.

(l) *Permit*. A form of authorization to allow the importation of restricted plant material in accordance with the regulations in this subpart.

(m) *United States*. The continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(n) *Europe*. The continent of Europe, the British Isles, and the other Islands on the European continental shelf.

(o) *Treatment*. Fumigation or any other process involving the application of a gas, dry or moist heat, chemicals, low temperatures, etc., excision of infected parts, or any other processing of plants or parts of plants including bulbs and seeds, that is designed to eliminate or control any infestation or infection by a plant pest.

§ 319.37-2 *Restricted plant material enterable without individual permits*. Restricted plant material (except *Aglaonema*) which is imported for food, analytical, medicinal, or manufacturing purposes, and seed specified in § 319.37-4 (a) may be entered without further permit other than the authorization contained in this section but subject to the conditions and requirements outlined in §§ 319.37-7, 319.37-8, 319.37-9, 319.37-11, 319.37-15, 319.37-16, 319.37-17, and 319.37-20; *Provided*, That the inspector may waive the inspection provided for in § 319.37-8 for any shipment when in his judgment such inspection is unnecessary.

¹ Compliance by the importer with rules and regulations under the Federal Seed Act (7 U. S. C. 1551 et seq.) administered by the Production and Marketing Administration, U. S. Department of Agriculture, may also be required with respect to the importation of certain seeds which is regulated by the provisions of that act.

§ 319.37-3 *Bulbs*. Bulbs may be imported in accordance with the requirements of §§ 319.37-7, 319.37-8, 319.37-10 to 319.37-17, inclusive, and 319.37-20, except that entry will be refused to bulbs found upon inspection to contain injurious pests which may not be destroyed by treatment. Treatment of bulbs will be required when an inspector's examination discloses that, in his opinion, treatment is feasible to destroy infestations or infections of living plant pests. When treatment is required, the inspector shall prescribe a method of treatment for such bulbs in accordance with administratively authorized procedures known to be effective under the conditions under which they are applied. An inspector at a port not having special inspection or treating facilities may require shipments of bulbs to be transported in bond to a port with such facilities for inspection and treatment under such safeguards as he may prescribe.

Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment.

The inspector may refuse entry to any bulbs which at the time of inspection at the port of entry are of such nature or are in such condition that, in his judgment, they cannot be treated without substantial injury.

The inspector may determine whether he will inspect bulbs on the piers or at special inspection facilities, and whether the entire shipment or any parts thereof as designated by him shall be transferred from the piers to special inspection facilities for inspection.

§ 319.37-4 *Seeds*—(a) *Seeds importable without individual permits*. Seeds of field crops, vegetables, and annual, biennial and perennial flowers which are essentially herbaceous in character, except seeds of *Lathyrus*, *Vicia*, and okra, may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37-2.

(b) *Seeds importable under permit*. All seeds not under paragraph (a) of this section, not prohibited entry in § 319.37 or any other quarantine and not restricted in any other quarantine, including seeds of *Lathyrus*, *Vicia*, and okra, which are free from pulp of a character which will support living larvae of fruit-flies or other injurious insects, other than stored-product insects of

general distribution, may be imported into the United States with a permit. Such seeds, except vetch seeds, may be imported in commercial quantities, subject to the requirements of §§ 319.37-7 to 319.37-17, inclusive, and § 319.37-20 through ports that have special inspection facilities and are named in the permit issued for the seeds. Vetch seeds in commercial quantities may be imported subject to the requirements of the same sections but through any port, except any port on the Pacific Coast, which is named in the permit and at which the services of an inspector are available and the seed may be treated as required by the inspector.

§ 319.37-5 *Restricted plant material from Canada.* (a) Excepting the restricted plant material specified in § 319.37-2 which may enter at any point on the Canadian Border where there is a Customs officer, and that which is specified in § 319.37-19 (c), restricted plant material, including fruit and nut stocks, may be imported from Canada as baggage, express, or freight at any port where there is a United States Customs official and by mail pursuant to § 319.37-10, through ports named in the permits, subject to the conditions and requirements set forth in §§ 319.37-7 to 319.37-14, inclusive, §§ 319.37-16, 319.37-17, and 319.37-20, but the treatment requirement of § 319.37-9 shall be waived unless the condition of the shipment or other special circumstances necessitate, in the opinion of the inspector, the application of a treatment.

(b) Restricted plant material specified in § 319.37-19 (c) may be imported from Canada under a permit issued in advance, through the port specified in the permit, and subject to all the conditions and requirements of §§ 319.37-7 to 319.37-14, inclusive, §§ 319.37-16, 319.37-17, 319.37-19, and 319.37-20.

(c) Restricted plant material may be certified under § 319.37-13 (b) as of Canadian origin when it can be considered peculiar to or a standard production of the Dominion of Canada, or can be shown to have been imported from the United States. Herbaceous perennials imported into and grown on in Canada may be considered of Canadian production one growing season after importation. Woody plants, and greenhouse plants, such as orchids, ferns, palms, aspidistra, and other plants of like character, which have been imported into

and grown on in Canada, except when imported into the Dominion from the United States, may not be considered as of Canadian origin and production and are enterable into the United States only under the requirements of § 319.37-6.

§ 319.37-6 *Restricted plant material generally.* All restricted plant material excepting that specified in §§ 319.37-2 to 319.37-5, inclusive, may be imported subject to the conditions and requirements set forth in §§ 319.37-7 to 319.37-20, inclusive, through a port which has special inspection facilities, to be designated in the permits. In addition to these requirements, all importations of five-leaf pines, currants, and gooseberries shall be made under conditions which are in harmony with the plant disease control program under the domestic blister rust quarantine (§ 301.63 of this chapter).

§ 319.37-7 *Costs and charges.* The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer. No charge will be made to the importer for Government owned or controlled special inspection facilities and equipment used in treatment, but the inspector may require the importer to furnish any special labor, chemicals, packing materials, or other supplies required in handling an importation under the quarantine and regulations in this subpart. The Bureau will not be responsible for any costs or charges, other than those indicated in this section, in connection with the entry, unpacking, inspection, treatment, repacking, conditioning, storage, forwarding, or any other operation of any character incidental to the physical entry of an importation of restricted plant material.

§ 319.37-8 *Inspection; freedom from plant pests.* Except as otherwise provided herein, all plant material shall be subject to inspection to determine freedom from pests, and to determine compliance with requirements of the quarantine and regulations in this subpart. Entry will be refused to restricted plant material found upon inspection to harbor injurious pests which are not widely prevalent in the United States when no adequate method of treatment is available. When inspection discloses that the only pests present are such as are known to be widely prevalent within the United States, the inspector may require as a

condition of entry that the shipment be treated by the best method available. In the latter case, where no method of treatment is known or the degree of pest infestation or infection is determined by the inspector as negligible he may permit the entry of the restricted plant material under appropriate restrictions or safeguards, in accordance with procedures administratively authorized by the Chief of Bureau.

§ 319.37-9 *Treatment.* (a) All restricted plant material, except bulbs, shall be treated upon arrival in the United States in a manner required by the inspector and under his supervision, and in a place approved by him. If this involves transportation of such material to a port having special inspection or treating facilities, the inspector may require that the material be transported in bond under such safeguards as he may prescribe. The inspector may waive treatment if in his judgment it is advisable to do so when inspection has failed to show cause for treatment. The inspector shall prescribe a schedule of treatment for restricted plant material according to a method selected by him in accordance with administratively authorized procedures known to be effective under the conditions under which the treatment is applied. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment.

(b) The inspector may refuse entry to any restricted plant material, except bulbs, which at the time of inspection at the port of entry is of such nature or is in such condition that, in his judgment, it cannot be treated without substantial injury.

§ 319.37-10 *Importation by mail.* Importation by mail of any restricted plant material for which a permit is required as a condition of entry pursuant to §§ 319.37-3 to 319.37-6, inclusive, will be permitted only when the shipment is accompanied from the foreign mailing point by a special mailing tag or label which will direct the package to the Bureau at the inspection point named on the tag or label, or when the package is addressed to the Bureau at an inspection point named in the permit authorizing the importation by mail. Special mailing tags or labels will be furnished by the Bureau upon request made at the time of application for permit under § 319.37-12

and will bear the identifying number of the permit.

§ 319.37-11 *Notice of arrival.* Immediately upon arrival of any shipment of restricted plant material at a port of entry the importer shall submit, in duplicate, through the United States Collector of Customs and for the United States Department of Agriculture, a notice of such arrival, on forms provided for that purpose (form EQ-368) and shall give such information as is called for by that form; and he shall also submit with the notice an invoice or packing list which identifies the contents of the shipment.

§ 319.37-12 *Applications for and issuance of permits.* Except as otherwise provided in §§ 319.37-2 and 319.37-4 (a), permits are required for importations of all restricted plant material. Persons desiring to import restricted plant material for which a permit is required as a condition of entry pursuant to §§ 319.37-3 to 319.37-6, inclusive, shall first submit to the Bureau an application² stating the name and address of the importer, the approximate quantity and kinds (botanical designations) of restricted plant material it is desired to import, the country where grown, the port of entry in the United States, the name and address of the agent, if any, representing the importer, the means of transportation to be employed, i. e. mail, air mail, express, air express, freight, air freight, or baggage. Such restricted plant material may be imported only after a permit has been issued, but if through no fault of the importer a shipment of such material arrives in advance of the issuance of a permit it may be held, under suitable safeguards prescribed by the inspector, in Customs custody and at the risk of the importer, pending the issuance of a permit, for a period not exceeding 20 days. Applications may be made orally or on forms provided for the purpose by the Bureau, or may be made by a letter or telegram containing all the information required by this paragraph.

Prospective importers of restricted plant material which will be required to be grown under postentry quarantine conditions outlined in § 319.37-19 shall also comply with § 319.37-19 (b) in submitting the application for permit.

² Applications for permits should be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J.

Upon receipt of an application and upon approval by the inspector a permit or other authorization will be issued specifying the conditions of entry and the port of entry, and a copy will be supplied to the importer.

§ 319.37-13 *Certification.* (a) All restricted plant material from countries with official systems of inspection, except that entering pursuant to § 319.37-2, shall be accompanied by an original certificate attached to the invoice, and each container shall bear a copy of the certificate, issued by a duly authorized official of the country of export stating (1) the country where the restricted plant material covered by the certificate was grown, (2) that it has been thoroughly inspected by him, or under his direction, during the growing season or at the time of packing or both, and was found, or believed to be, free from plant pests, (3) that it is free from all sand, soil, or earth, except for restricted plant material under § 319.37-5, and (4) that only approved packing materials have been used.

(b) All restricted plant material entering the United States from Canada pursuant to § 319.37-5 when considered as of Canadian origin or production as specified in § 319.37-5 (c) shall be certified as of such origin by a duly authorized official of the Dominion pursuant to paragraph (a) of this section.

§ 319.37-14 *Marking of containers.* Each case, box, or other container of restricted plant material shall be clearly and plainly marked and individually numbered and shall show the general nature and quantity of the contents, the country and locality where grown, the name and address of both the shipper and the consignee, and when containing restricted plant material importable only under permit, pursuant to §§ 319.37-3 to 319.37-6, inclusive, the number of the permit authorizing the importation. Containers of restricted plant material importable only under permit shall be addressed to the consignee in care of the Bureau of Entomology and Plant Quarantine at the port of entry designated in the permit.

§ 319.37-15 *Freedom from soil.* All restricted plant material must be free from sand, soil, or earth, and any shipment arriving in the United States which is not free from such sand, soil, or earth, except shipments under § 319.37-5 may be refused entry. This requirement does

not apply to approved packing material as provided in § 319.37-16.

§ 319.37-16 *Approved packing materials.* All packing materials employed in connection with any shipment of restricted plant materials are subject to approval for such use by the Chief of Bureau, who shall specify in administrative instructions a list of approved packing materials and instructions as to their use.

§ 319.37-16a *Administrative instructions: list of approved packing materials and instructions for their use.* The following materials, when free from sand, soil, or earth unless otherwise noted, and when they have not been previously used as packing or otherwise with living plants, are approved as packing materials for use in connection with any shipment of restricted plant materials imported in accordance with §§ 319.37 to 319.37-25.

Buckwheat hulls.

Charcoal (inspection is difficult when this material is used. It should be used only where its particular qualities are especially desirable and other approved packing materials are unsuitable.)

Coral sand from Bermuda, when free from surface soil, and certified as such by the Director of Agriculture of Bermuda.

Excelsior.

Exfoliated vermiculite.

Ground cork.

Ground peat.

Sawdust.

Shavings.

Sphagnum moss.

Vegetable fiber when free of pulp, including coconut fiber and Osmunda fiber, but excluding sugarcane fiber and cotton fiber.

In cases of emergency an inspector may approve for use for specific shipments packing materials other than those listed, after he has determined that such materials are free from sand, soil, or earth and that their use does not involve a risk of introducing plant pests. Should the inspector determine that any unlisted packing material accompanying a specific shipment of restricted plant material is objectionable, the shipment may be refused entry.

Regulations governing the entry of hay and straw packing material are contained in this Department's Bureau of Animal Industry Order 371 (9 CFR 95.21 and 95.22). Such material is restricted entry from countries where rinderpest or foot-and-mouth disease exists. Any such material offered for entry without having met the conditions of § 95.21 (9 CFR

95.21) is required by § 95.22 (9 CFR 95.22) to be disinfected or burned. The provisions of this Bureau of Animal Industry order are not applicable to hay or straw mats, jackets, or casings.

All restricted material from Europe and Canada must be free from willow withes. Such material, when not free from willow withes, will be refused entry until the withes are removed and destroyed. Such material, when accompanied by willow withes, may be held in customs custody for a period not exceeding 40 days, during which period the permittee or his agent, after making satisfactory arrangements, may remove and destroy the withes under the supervision of, and in a manner satisfactory to, an inspector, after which the shipment may be handled in the usual way.

(Secs. 1, 3, 33 Stat. 1269, 1270, secs. 1, 5, 7, 37 Stat. 315, 316, 317, as amended, 7 U. S. C. 141, 143, 154, 159, 160) [BEPQ 571, 13 F. R. 8176]

§ 319.37-17 *Prohibited plant material accompanying restricted plant material.* If any container of restricted plant material is found to contain plant material prohibited importation by the quarantine in this subpart or any other quarantine or order, the entire container may be refused entry by the inspector.

§ 319.37-18 *Size-age limitations.* (a) Except as provided in this paragraph, all restricted trees and shrubs to be imported shall be limited to the youngest and smallest, normal, clean, and healthy plants which can be successfully freed from soil about their roots, transported to the United States, and established. The inspector may use as a maximum size criterion in enforcing this limitation the normal size of plants no more than two years of age when they have been grown from seeds, cuttings, or layers; and the maximum for grafted or budded plants will be the normal size of stocks no more than three years of age with no more than two seasons' growth from the bud or graft. The size-age limitation shall not apply to naturally dwarf or miniature forms not exceeding 12 inches in height from the soil line nor to artificially dwarfed forms of the character popular in parts of the Orient. Whenever the importer makes a showing with his application for permit that is satisfactory to the inspector responsible, that importation of a larger plant, such as, for example, a specimen plant, is necessary the inspector may authorize

an exception to the limitation of this paragraph and specify it in the permit if in his opinion such larger plant may be imported under conditions prescribed in the permit without added risk of pest entry. Whenever the Chief of Bureau shall find that any kinds or classes of plants, when limited in size and age as set forth in this paragraph, are too young and small successfully to be freed of soil, transported, and established in the United States, he may set forth in administrative instructions other criteria for the size-age limitation of such kinds or classes of plants.

(b) Herbaceous perennials which are usually imported in the form of root crowns or clumps shall be limited to not more than 3-eye divisions of the crowns or clumps.

(c) Except as provided in this paragraph, only seeds may be imported in the case of forest trees, species of any plants used for understocks, and ornamental plants that are botanical species or botanical varieties and which grow true from seed. The inspector responsible may issue a permit authorizing in advance the importation of plants rather than seeds of such species and varieties specified in this paragraph whenever the importer makes a showing with his application for permit satisfactory to the inspector that the plants desired cannot be produced from seed because either (1) they are variations which are reproduced by vegetative means only or (2) it is impossible or impracticable to import viable seed.

(d) Restricted plant material arriving in the United States contrary to any limitation provided in this section may be refused entry.

§ 319.37-19 *Postentry quarantine.* (a) All restricted plant material listed in paragraph (c) of this section will be required as a condition of importation, to be grown under the postentry quarantine conditions set forth in paragraph (b) of this section, and no such material shall be moved from the port of entry until the agreement required in paragraph (b) of this section has been filed with the inspector and other pertinent arrangements for growing in postentry quarantine have been completed to the satisfaction of the inspector. Should inspection at port of arrival of restricted plant material not listed in paragraph (c) of this section, other than that imported pursuant to § 319.37-2, reveal

symptoms indicating that unrestricted release of such plant material may present pest entry risk not removed by treatment, the inspector may require such plant material to be grown in postentry quarantine when the importer has made the necessary arrangements, otherwise such plant material shall be refused entry.

(b) In the case of restricted plant material listed in paragraph (c) of this section or otherwise required by the inspector to be grown under postentry quarantine, the importer shall file with his application for permit an agreement to:

(1) Grow such material on premises indicated in the permit and owned or controlled by him until released by the Bureau;

(2) Permit inspectors to have access to the said premises at all reasonable daylight hours;

(3) Keep the restricted plant material and any increase therefrom identified with suitable labels showing the name of the plants and the number of the permit which authorized their importation;

(4) Make no distribution from the specified premises of the restricted plant material or increase therefrom, or blooms cut therefrom, until authorized in writing by the inspector or until released from the agreement by the Bureau; and

(5) Apply any remedial measure prescribed by the inspector to the imported plant material, increase therefrom, or other plants growing on the premises, including destruction of any or all of same, if necessary in the judgment of the inspector, to prevent the dissemination of a plant pest.

(c) The following restricted plant material shall as a condition of importation be grown in postentry quarantine under conditions set forth in this section.

<i>Plants to be grown under postentry quarantine</i>	<i>Where imported from</i>
Acer spp-----	All foreign countries except Bulgaria, Canada, England, France, Germany, and Japan.
Aesculus spp-----	All foreign countries except Canada, Czechoslovakia, England, and Germany.
Aleurites spp-----	All foreign countries except China and Brazil.

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under postentry
quarantine*

Althaea spp-----	Where imported from All foreign countries except Africa, Canada, and India.
Anthurium spp----	All foreign countries.
Berberis spp. (plants of all varieties known to be immune or resistant to stem rust).	All foreign countries. May not be grown under postentry quarantine in States protected by Domestic Plant Quarantine No. 38. ¹
Boltonia spp-----	Canada.
Bromeliads-----	All foreign countries when destined to Hawaii.
Camellia spp-----	Ceylon.
Crataegus monogyna Jacq.	Europe.
Cedrus spp-----	All foreign countries except Canada and those in Europe.
Corylus spp-----	The Canadian province of Manitoba and provinces west thereof, when destined to the States of California, Oregon, and Washington.
Cytisus spp-----	All foreign countries except Bulgaria, Canada, England, and Germany.
Daphne spp-----	All foreign countries except Canada and New Zealand.
Datura spp-----	All foreign countries except England and India.
Dianthus spp----	All foreign countries except England.
Eucalyptus spp----	All foreign countries except Argentina, Ceylon, Uruguay, and those in Europe.
Euonymus spp----	All foreign countries except Germany.
Fraxinus spp-----	All foreign countries except Canada and those in Europe.
Fruit and nut buds, clones, cuttings and scions, or stocks imported for the vegetative propagation of the stocks themselves (other than as separately designated).	All foreign countries except Canada.
Hibiscus spp-----	All foreign countries except Sudan and Nigeria, Africa; India; and Trinidad.

¹ Section 301.38 et seq. of this chapter.

<i>Plants to be grown under postentry quarantine</i>	<i>Where imported from</i>	<i>Plants to be grown under postentry quarantine</i>	<i>Where imported from</i>
Humulus spp-----	All foreign countries.	Picea spp-----	All foreign countries except Canada, Japan, Siberia, and those in Europe.
Hydrangea spp-----	All foreign countries except Germany.	Pinus spp. (2- or 3-leaved).	All foreign countries except Canada, Japan and those in Europe.
Ilex spp-----	All foreign countries except Canada, England, and France.	Pinus spp. (5-leaved).	All foreign countries when destined to States not protected by Domestic Plant Quarantine No. 63. ²
Jasminum spp-----	All foreign countries except Belgium, Canada, England, and Germany.	Populus spp-----	All foreign countries except Canada and those in Europe.
Juniperus spp-----	All foreign countries except Canada, Finland, and Rumania.	Primula spp-----	All foreign countries except Australia, Canada, and British Isles.
Laburnum spp-----	All foreign countries except Bulgaria, Canada, England, and Germany.	Prunus spp-----	Canada, when destined to California.
Lantana spp-----	All foreign countries except Canada and India.	Pseudotsuga spp--	All foreign countries except Canada and those in Europe.
Larix spp-----	All foreign countries except Canada and those in Europe.	Pyrus spp-----	All foreign countries except Canada, Japan, Korea, Manchuria, and those in Europe and South Africa.
Ligustrum spp-----	All foreign countries except Canada and Germany.	Quercus spp-----	All foreign countries except Canada and Japan.
Mahoberberis spp. (plants of all varieties known to be immune or resistant to stem rust).	All foreign countries. May not be grown under postentry quarantine in States protected by Domestic Plant Quarantine No. 38. ¹	Rhododendron brachycarpum D. Don.	Europe, Japan and Siberia.
Mahonia spp. (plants of all varieties known to be resistant to rust).	All foreign countries. May not be grown under postentry quarantine in States protected by Domestic Plant Quarantine No. 38. ¹	R. calostrotum I. B. Balf.	
Malus spp. (except clonal understocks).	All foreign countries except Austria, Canada, China, Japan, Korea, Manchuria, and those in Europe and South Africa.	R. cantabile I. B. Balf.	
Malus spp-----	All foreign countries except Canada and those in South Africa.	R. dauricum L.	
Mespilus germanica L.	Europe.	R. fastigiatum Franch.	
Morus spp-----	All foreign countries except Canada, China and Japan.	R. ferrugineum L.	
Nicotiana spp-----	All foreign countries except Australia, British Isles, and Canada.	R. hirsutum L.	
Nut and fruit stocks.	(See Fruit and nut buds).	R. intermedium Wender.	
Passiflora spp-----	All foreign countries.	R. kotschyi Simonk.	
Pelargonium spp--	All foreign countries except Australia, Canada, and Great Britain.	R. prunifolium Forbes.	
		Ribes nigrum-----	All foreign countries except British Isles, Canada, and New Zealand, or when destined to States protected by Domestic Plant Quarantine No. 63. ²
		Rosa spp-----	All foreign countries except Australia, Canada, Italy, and New Zealand.
		Rubus spp-----	All foreign countries.
		Salix spp-----	All European countries except England and The Netherlands.

¹ Section 301.38 et seq. of this chapter.² Section 301.63 et seq. of this chapter.

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	<i>Where imported from</i>
Sorbus spp-----	All foreign countries except Canada, (non-maritime provinces), China, Japan, Philippine Islands, and those in Southeastern Asia and Oceania (including Australia and New Zealand).
Ulmus spp-----	All foreign countries except Canada and those from which entry of this species is prohibited by Foreign Plant Quarantine No. 70. ³
Vitis spp-----	All foreign countries other than Canada and those in Europe.
Wisteria spp-----	All foreign countries except Canada and Australia.

³ Section 319.70 et seq. of this chapter with any amendments that may hereafter be issued.

§ 319.37-20 *Plant material refused entry.* Any plant material refused entry for noncompliance with the requirements and conditions of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector may prescribe. If such restricted plant material is not promptly safeguarded by the importer, removed from the United States, or abandoned for destruction to the satisfaction of the inspector it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U. S. C. 164a). Neither the Department of Agriculture, nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, cartage, labor, chemicals, etc., incidental to the safeguarding or disposal of plant material refused entry by the inspector, nor will the Department of Agriculture or the inspector be responsible for the value of the plant material so disposed of. It shall be understood that any person applying for a permit under § 319.37-12 agrees to the conditions and requirements of this section.

§ 319.37-21 *Ports of entry.* Ports of entry for the various kinds and classes of restricted plant material shall be those specified under §§ 319.37-3 to 319.37-6,

inclusive. In specifying ports of entry⁴ for importations the inspector issuing permits shall be governed by the general principle that uninspected and untreated shipments shall not move long distances overland for inspection and treatment but shall be inspected and treated at the authorized point at or nearest the port of arrival.

§ 319.37-22 *Importations for exportation and importations for transportation and exportation.* Importations of restricted plant material for exportation or for transportation and exportation subject to the quarantine and regulations of this subpart shall be subject to §§ 352.1 to 352.7, inclusive, of this chapter, as amended from time to time.

§ 319.37-23 *Importations by the Department of Agriculture.* Restricted plant material may be imported by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of Bureau and through the Division of Plant Exploration and Introduction of the Bureau of Plant Industry, Soils and Agricultural Engineering.

§ 319.37-24 *Cooperation with States.* Whenever, in the opinion of the Chief of the Bureau, a State or Territory of the United States shall have taken action to suppress types of pests that may be imported with certain nursery stock and other plants and seeds, and shall have promulgated, when such action contributes to the suppressive program, a plant quarantine prohibiting the entry in interstate movement of specific kinds of nursery stock, other plants, or seeds that might introduce such pests, and further shall have requested through the responsible State official that the United States Department of Agriculture cooperate by restricting the importation from specific foreign countries of such nursery stock, other plants, or seeds into the State or Territory in question, importations thereof to said State or Territory may be denied by the Chief of the Bureau either through refusing approval of a permit or such other means as he may provide in administrative instructions.

§ 319.37-25 *Insects imported for scientific and educational purposes.* No insect in a live state which is notoriously injurious to cultivated crops, including

⁴ See Appendix A for a list of ports at which inspectors are located.

vegetables, field crops, bush fruits, orchard trees, forest trees or shade trees, or the eggs, larvae, or pupae of any such insect, may be removed from any foreign country into the United States, except that injurious insects, in any stage of development, may be imported into the United States under permit for scientific, including educational, purposes only under such safeguards and restrictions as the Chief of the Bureau may prescribe after review of each individual application for permit to import either individual consignments or a group of related shipments. Each application for a permit to import such insects shall give information on the specific insects to be imported, the purpose of and need for the importation, the place where and conditions under which the insects will be studied, the area from which they will be imported, and the port through which the shipment will be made. Each container of insects so imported shall bear an identifying tag from the Chief of the Bureau.

APPENDIX A

LIST OF PORTS AT WHICH INSPECTORS ARE LOCATED

Ports with special inspection and treating facilities are indicated by an asterisk (*).

Alaska:

Anchorage, 136 Federal Building.
Fairbanks, 403 Federal Building.

Alabama: Mobile, 209 U. S. Courthouse and Customhouse.

Arizona:

Douglas, 207 U. S. Inspection Station.
Naco, 107 U. S. Border Station.
Nogales, 128 Federal Inspection Station Building.

California:

Calexico, 203 U. S. Border Station.
Los Angeles, 204 State Building, 217 West First Street. (San Pedro, 104 Ferry Building.)

San Diego, 308 Broadway Pier Building.

*San Francisco, 2 Agriculture Building, Embarcadero at Mission Street.

San Ysidro, 229 Federal Building.

District of Columbia: *Washington, Plant Inspection House, 224 Twelfth St. SW.

Florida:

Jacksonville, 445 New Post Office Building, 311 West Monroe Street.

Key West, 226 Federal Building, 307 Simon-ton Street.

*Miami, East End Pier No. 2, City Docks (Plant Inspection House, Building T-202 Avenue A, International Airport).

Pensacola, 312-B Federal Building, Corner Chase and Palafox Streets.

Port Everglades, 102 Customhouse.

Tampa, 113 U. S. Customs Appraiser's Stores Building, Platt and Water Streets.

Florida—Continued

West Palm Beach, 216 Federal Building, Olive and Fern Streets.

Georgia: Savannah, 107 Customhouse, 1 East Bay Street.

Hawaii:

Hilo, 236 Federal Building.

*Honolulu, 248 Federal Building.

Illinois: Chicago, 800 Customhouse, 610 South Canal Street.

Louisiana: New Orleans, 319 Customhouse, 423 Canal Street.

Maryland: Baltimore, 200 Customhouse.

Massachusetts: Boston, 408 Atlantic Avenue, 405 U. S. Appraiser's Stores Building.

Michigan: Detroit, 405 Customhouse, 100 Larned Street.

Minnesota: St. Paul, 203 Main Post Office and Customhouse.

Missouri:

Kansas City, 303 Federal Court Building, Grand and Ninth Streets.

St. Louis, U. S. Customs Mail Bureau, Window 27, Main Post Office Building.

New York:

Buffalo, 530 Federal Building.

*New York, 844 Federal Building, Christopher Street.

Plant Inspection House, 209 River Street, Hoboken, N. J.

Ohio: Cleveland, 3067 Main Post Office Building.

Oregon: Portland, 439 U. S. Courthouse, 620 Southwest Main Street.

Pennsylvania: Philadelphia, 601-A Customhouse.

Puerto Rico: *San Juan, Bldg. N., Puerto Rican Reconstruction Administration, Avenida Ponce de Leon.

South Carolina: Charleston, 17 Customhouse.

Texas:

Brownsville, U. S. Fumigation Plant.

Dallas, 544 U. S. Terminal Station, 207 South Houston Street.

Del Rio, International Bridge Landing.

Eagle Pass, 209-210 U. S. Post Office and Customhouse.

El Paso, 127 U. S. Courthouse.

Galveston, 407 Post Office Building.

Hidalgo, U. S. Customs Building, International Bridge.

Houston, 206 U. S. Appraiser's Stores Building, 7300 Wingate Street.

Laredo, 207-211 Federal Building.

Port Arthur, 205 Post Office and Customhouse.

Presidio, U. S. Customhouse, International Bridge.

Roma, Starr County Bridge Co. Building.

San Antonio, 533 Federal Building, Houston and Alamo Streets.

Virginia:

Arlington, MATS Terminal Building, National Airport.

Norfolk, 411 U. S. Post Office and Courthouse Building.

Washington:

Blaine, 211 Customs Station, Pacific Highway.

*Seattle, 904 Federal Office Building.

APPENDIX B

The entry of the following plant material for propagation is prohibited or restricted by specific quarantines and other restrictive orders now in force:

(a) Irish potatoes from all countries except the Dominion of Canada and Bermuda.

(b) Cottonseed (including seed cotton) of all species and varieties from any foreign country and locality, excepting the Imperial Valley of Mexico.

(c) Seeds of the avocado or alligator pear from Mexico and the countries of Central America.

(d) Canes of sugarcane or cuttings or parts thereof from all foreign countries.

(e) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of Teosinte (*Euchlaena*), jobs-tears (*Coix*), *Polytoca*, *Chionachne*, and *Sclerachne*, from southeastern Asia (including India, Siam, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Manchuria, Japan, and adjacent islands.

(f) All varieties of sweetpotatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.) from all foreign countries and localities.

(g) All species or varieties of banana plants (*Musa* spp.) or portions thereof from all foreign countries and localities.

(h) All varieties of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, from all foreign countries.

(i) Seed or paddy rice from all foreign countries and localities.

(j) Wheat from Australia, India, Japan, Italy, China, Union of South Africa, and Spain.

(k) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize, broomcorn, sweet sorghums, grain sorghums, Sudan grass, Johnson grass, sugarcane, pearl millet, napier grass, teosinte, and jobs-tears from all foreign countries and localities.

(l) Citrus plants or any plant part except seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioidae of the botanical family Rutaceae from all foreign countries and localities.

(m) All seeds, leaves, plants, cuttings, and scions of elm and related plants from the Continent of Europe, the Dominion of Canada, and other foreign areas north of the United States, except that clean seeds from the foreign areas north of the United States are exempted.

(n) Coffee plants and leaves from all foreign countries and localities when destined to Puerto Rico.

SUBPART—INDIAN CORN OR MAIZE, BROOMCORN, AND RELATED PLANTS

SOURCE: §§ 319.41 to 319.41-6 contained in revised rules and regulations supplemental

to Notice of Quarantine No. 41 (second revision) governing importation of Indian corn or maize, broomcorn, and seeds of related plants, Department of Agriculture, Feb. 10, 1933), effective Mar. 1, 1933, except as noted following sections affected.

QUARANTINE

§ 319.41 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice given, that dangerous plant pests, including the so-called European corn borer (*Pyrausta nubilalis* Hubn.), and also other dangerous insects, as well as plant diseases not heretofore widely prevalent or distributed within and throughout the United States, exist, as to one or more of such pests, in Europe, Asia, Africa, Dominion of Canada, Mexico, Central and South America, and other foreign countries and localities, and may be introduced into this country through importations of the stalks or other parts of Indian corn or maize, broomcorn, and related plants.

The Secretary of Agriculture, under the authority conferred by the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U. S. C. 151-167), determined that it was necessary, in order to prevent the further introduction of the dangerous plant pests mentioned above, to forbid, except as provided in the rules and regulations supplemental hereto, the importation into the United States from all foreign countries and localities of the stalk and all other parts, whether used for packing or other purposes, in the raw or unmanufactured state, of Indian corn or maize (*Zea mays* L.), broomcorn (*Andropogon sorghum* var. *technicus*), sweet sorghums (*Andropogon sorghum*), grain sorghums (*Andropogon sorghum*), Sudan grass (*Andropogon sorghum* *sudanensis*), Johnson grass (*Andropogon halepensis*), sugarcane (*Saccharum officinarum*), including Japanese varieties, pearl millet (*Pennisetum glaucum*), napier grass (*Pennisetum purpureum*), teosinte (*Euchlaena luxurians*), and jobs-tears (*Coix lachryma-Jobi*).

Hereafter, and until further notice, by virtue of said act of Congress approved August 20, 1912, the importation into the United States of the stalk and all other parts of the plants enumerated above from all foreign countries and localities except as provided in the rules and regulations supplemental hereto, is prohibited.

[Notice of Quarantine 41, rev. Apr. 23, 1926]

RULES AND REGULATIONS

§ 319.41-1 *Plant products permitted entry.*¹ Except as restricted from certain countries and localities by special quarantines and other orders now in force,² and by such as may hereafter be promulgated, the following articles may be imported:

(a) Subject only to the requirements of the first three paragraphs of § 319.41-5.

(1) Green corn on the cob, in small lots for local use only, from adjacent areas of Canada.

(2) Articles made of the stalks, leaves, or cobs of corn, when prepared, manufactured, or processed in such manner that in the judgment of the inspector no pest risk is involved in their entry.

(3) Corn silk.

(b) Upon compliance with the regulations in this subpart:

(1) Broomcorn for manufacturing purposes, brooms or similar articles made of broomcorn, clean shelled corn, and clean seed of the other plants covered by § 319.41.

(2) Corn on the cob, green or mature, from the provinces of Canada west of and including Manitoba,³ and from Mexico, Central America, South America, the West Indies, the Bahamas, and Bermuda.

§ 319.41-2 *Application for permits.* Persons contemplating the importation of any of the articles specified in

¹ Except as provided in § 319.41-6 the regulations in this subpart do not authorize importations through the mails.

² The entry of the following plants and plant products is prohibited or restricted by specific quarantines and other restrictive orders now in force.

(a) Living canes of sugarcane, or cuttings or parts thereof, from all foreign countries. (§ 319.15.)

(b) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of Teosinte (*Euchlaena*), jobs-tears (*Coix*), Polytoca, Chionachne, and Sclerachne, from southeastern Asia (including India, Siam, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Taiwan (Formosa), Japan, and adjacent islands. (§ 319.24.)

³ A quarantine is maintained by Canada to prevent spread of the European corn borer from the infested eastern areas to the still uninfested Provinces west of Ontario.

§ 319.41-1 (b), shall first make application to the Bureau of Entomology and Plant Quarantine for a permit, stating in the application the name and address of the exporter, the country and locality where grown, the port of arrival, and the name and address of the importer in the United States to whom the permit should be sent. Unless otherwise stated in the permit, all permits will be valid from date of issuance until revoked.

Applications for permits should be made in advance of the proposed shipments; but if, through no fault of the importer, a shipment should arrive before a permit is received, the importation will be held in customs custody at the risk and expense of the importer for a period not exceeding 20 days pending the receipt of the permit.

Applications may be made by telegraph, in which case the information required above must be given.

§ 319.41-3 *Issuance of permits.* On approval by the Chief of the Bureau of Entomology and Plant Quarantine of the application mentioned in § 319.41-2, a permit will be issued.

For broomcorn and brooms and similar articles made of broomcorn, permits will be issued by the Chief of the Bureau of Entomology and Plant Quarantine for such ports as may be designated therein, except that permits will be issued for the entry of broomcorn originating in countries other than those in the North or South American Continents or the West Indies only through the ports of Baltimore, Boston, and New York, or through other northeastern ports which may from time to time be designated in the permit, and at which facilities for treatment of infested material may be available, such entry to be limited to the five months' period between October 1 of any year and the end of February of the succeeding year, both dates inclusive. Permits will not be issued for the entry of broomcorn from any source through ports on the Pacific coast.

For shelled corn and for seeds of other plants listed in § 319.41, and for corn on the cob, green or mature, from the land areas designated in § 319.41-1 (b) (2), permits will be issued for ports where the Bureau of Entomology and Plant Quarantine maintains an inspection service and for such other ports as may be designated in the permit.

[Quarantine No. 41, 13 F. R. 2253]

§ 319.41-4 *Notice of arrival by permittee.* Immediately upon arrival of the importation at the port of arrival the permittee shall submit in duplicate notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, date of entry, name of ship or vessel, railroad, or other carrier, the country and locality where grown, name of the foreign shipper, quantity or number of bales or other containers, and marks and numbers on containers, the port of arrival, and the name of the importer or broker at the port of arrival.

§ 319.41-5 *Conditions of entry.* The entry of the articles covered by § 319.41-1 is conditioned on their freedom from the European corn borer and other injurious insects and plant diseases, and upon their freedom from contamination with plant materials prohibited entry under other quarantines. All shipments of these articles shall be subject to inspection at the port of arrival by an inspector of the Bureau of Entomology and Plant Quarantine, in order to determine their freedom from such insects and diseases and from contaminating materials, and to such sterilization, grinding, or other necessary treatment as the inspector may prescribe. Should an importation be found on inspection to be so infested or infected or contaminated that, in the judgment of the inspector, it can not be made safe by sterilization or other treatment, the entire shipment may be refused entry.

When entry under sterilization or other treatment is permitted, the importation will be released to the permittee, upon the filing with the collector of customs of a bond in the amount of \$5,000 or in an amount equal to the invoice value, if such value be less than \$5,000, with approved sureties, the conditions of which shall be that the importation shall be sterilized or otherwise treated under the supervision of the inspector; that no bale or container thereof shall be broken, opened, or removed from the port of arrival unless and until a written notice is given to the collector by the inspector that the importation has been properly sterilized or treated; and that the importation shall be redelivered to the collector of customs within 30 days after its arrival.

Should a shipment requiring sterilization or other treatment under the pro-

visions of the regulation in this subpart arrive at a port where facilities for such sterilization or other treatment are not maintained, such shipment shall either be promptly shipped under safeguards and by routing prescribed by the inspector to an approved port where facilities for sterilization or other treatment are available, or it shall be refused entry.

Other conditions of entry as applying to the certain classes of articles enumerated in § 319.41-1 are given in the following paragraphs:

(a) *Broomcorn.* All importations of broomcorn shall be so baled as to prevent breakage and scattering in connection with the necessary handling and sterilization; if in the judgment of the inspector they are not so baled, entry may be refused. All importations of broomcorn shall be subject to such sterilization or other treatment as the inspector may require.

(b) *Articles made of broomcorn.* Brooms or similar articles made of broomcorn shall be subject to sterilization unless their manufacture involves the substantial elimination of stems or such treatment of the included stems as in the judgment of the inspector shall preclude such articles from being the means of carriage of the European corn borer and of other injurious insects and plant diseases.

(c) *Shelled corn and other seeds.* If shipments of shelled corn and seeds of the other plants from countries other than those named in § 319.41-1 (b) (2) are found upon inspection at the port of arrival to be appreciably fouled with cobs or other portions of the plants the inspector may require sterilization or other treatment or may refuse entry.

§ 319.41-5a *Administrative instructions; method used for the disinfection of imported broomcorn and broomcorn brooms.* Broomcorn and articles made of broomcorn which are required to be treated, under the provisions of § 319.41-5, will be treated by one of the following methods:

(a) *Vacuum fumigation.* (1) The temperature of the stalks and of the fumigation chamber during the fumigation shall be not less than 60° F.

(2) The dosage for the fumigation shall be 3 pounds of liquid hydrocyanic acid or its equivalent per 1,000 cubic feet of space.

(3) The air pressure in the fumigation chamber shall be reduced to the equivalent of 2 inches of mercury (a 28-inch vacuum at sea level), after which the hydrocyanic acid shall be introduced and the low pressure held for the duration of the fumigation.

(4) The exposure shall be not less than 3 hours.

(b) *Steam sterilization.* (1) The air pressure in the treating chamber shall be reduced to the equivalent of 5 inches of mercury (a 25-inch vacuum at sea level).

(2) Steam shall then be introduced until a positive pressure of 10 pounds is obtained.

(3) The exposure to the 10-pound positive pressure of steam shall continue for a period sufficient to assure a constant temperature in all parts of the treating chamber, after which the steam may be shut off and the treating chamber exhausted of the uncondensed steam. [BEPQ 474, May 7, 1938]

§ 319.41-6 *Importations by mail.* In addition to entries by freight or express provided for in § 319.41-5, importations are permitted by mail of (a) mature corn on the cob from the countries specified in § 319.41-1 (b) (2), (b) clean shelled corn and clean seed of the other plants covered by § 319.41: *Provided*, That a permit has been issued for the importation: *Provided further*, That each shipment is accompanied from the foreign mailing point by a special mailing tag, which will direct the package to a Bureau of Entomology and Plant Quarantine inspection station for inspection in accordance with § 319.41-5 before release to the mails for delivery to the importer. These special mailing tags will be furnished on request to the importer for transmission to his foreign shipper.

SUBPART—RICE

SOURCE: §§ 319.55 to 319.55-7 contained in revised rules and regulations supplemental to Notice of Quarantine No. 550, the Rice Quarantine, Department of Agriculture, effective Nov. 23, 1933, except as noted following sections affected.

QUARANTINE

§ 319.55 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given, (a) that injurious fungous diseases of rice, including downy mildew (*Sclerospora macrocarpa*), leaf smut (*Entyloma oryzae*), blight (*Oospora*

oryztorum), and glume blotch (*Melanomma glumarum*), as well as dangerous insect pests, new to and not heretofore widely prevalent or distributed within and throughout the United States, exist, as to one or more of such diseases and pests, in Europe, Asia, Africa, Central America, South America, and other foreign countries and localities, and may be introduced into this country through importations of seed or paddy rice, rice straw, and rice hulls, and (b) that the unrestricted importation of seed or paddy rice from the Republic of Mexico and of rice straw and rice hulls from all foreign countries and localities may result in the entry into the United States of the injurious plant diseases heretofore enumerated, as well as insect pests.

Under authority conferred by the act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U. S. C. 151-167), as amended, the Secretary of Agriculture does hereby declare that it is necessary, in order to prevent the introduction into the United States of the insect pests and plant diseases referred to, to forbid the importation into the United States of seed or paddy rice from all foreign countries and localities except the Republic of Mexico, and to restrict the importation of seed or paddy rice from the Republic of Mexico, and of rice straw and rice hulls from all foreign countries and localities.

On and after November 23, 1933, by virtue of the said act of Congress, the importation of seed or paddy rice into the United States from all foreign countries and localities except the Republic of Mexico is prohibited, and the importation of seed or paddy rice from the Republic of Mexico and of rice straw and rice hulls from all foreign countries and localities is forbidden except in accordance with the rules and regulations supplemental hereto.

[Notice of Quarantine 55, rev. Nov. 23, 1933]

RULES AND REGULATIONS

§ 319.55-1 *Definitions*—(a) *Seed or paddy rice.* Unhusked rice in the form commonly used for seed purposes; the regulations in this subpart do not apply to husked or polished rice imported for food purposes.

(b) *Port of first arrival.* The first port within the United States where the shipment is (1) offered for consumption

entry or (2) offered for entry for immediate transportation in bond.

(c) *Inspector.* An Inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

§ 319.55-2 *Application for permit.* Application for a permit to import seed or paddy rice from Mexico or rice straw or rice hulls from any country, may be made to the Bureau of Entomology and Plant Quarantine, indicating in the application the locality where the desired material has been grown, the port of first arrival, and the name and address of the importer in the United States to whom the permit should be sent, if other than the applicant.

Applications for permits should be made in advance of the proposed shipments; but if, through no fault of the importer, a shipment should arrive before a permit is received, the importation will be held in customs custody at the port of first arrival, at the risk and expense of the importer, for a period not exceeding 20 days, pending the receipt of the permit.

Application may be made by telegraph, in which case the information required above must be furnished.

§ 319.55-3 *Ports of entry.* For importations of seed or paddy rice from the Republic of Mexico, permits will be issued for entry through Mexican border ports and such other ports as may later be approved by the Bureau of Entomology and Plant Quarantine.

For importations of rice straw and rice hulls from all foreign countries, permits will be issued for entry at New York and Boston and at such other ports as may later be approved by the Bureau of Entomology and Plant Quarantine.

Should a shipment requiring treatment arrive at a port where facilities for such treatment are not maintained, such shipment shall either be promptly shipped under safeguards and by routing prescribed by the inspector to an approved port where facilities for treatment are available, or it shall be refused entry.

§ 319.55-4 *Issuance of permits.* On receipt of an application, a permit will be issued in quadruplicate; one copy will be furnished to the applicant, one copy will be mailed to the collector of customs, and one to the inspector of the Bureau of Entomology and Plant Quarantine at the

port of first arrival, and the fourth will be filed with the application.

§ 319.55-5 *Notice of arrival by permittee.* Immediately upon the arrival of a shipment at the port of first arrival, the permittee or his agent shall submit a notice in duplicate to the Secretary of Agriculture, through the collector of customs, on a form provided for that purpose, stating the number of the permit, the quantity in the shipment, the locality where grown, the date of arrival, and, if by rail, the name of the railroad company, the car numbers, and the terminal where the shipment is to be unloaded, or, if by boat, the name of the vessel and the designation of the dock where the shipment is to be landed.

§ 319.55-6 *Inspection and disinfection at port of arrival—(a) Paddy rice.* All importations of seed or paddy rice from Mexico shall be subject, as a condition of entry, to such inspection or disinfection, or both, at the port of arrival, as shall be required by the inspector, and to the delivery to the collector of customs by the inspector of a written notice that the seed or paddy rice has been inspected and found to be apparently free from plant diseases and insect pests or that the required treatment has been given. Should any shipment of such seed or paddy rice be found to be so infested with insect pests or infected with plant diseases that, in the judgment of the inspector, it cannot be cleaned by disinfection or other treatment, the entire shipment may be refused entry.

(b) *Rice straw and rice hulls.* As a condition of entry, rice straw and rice hulls shall be subject to inspection and to treatment at the port of arrival, under the supervision of the inspector, by methods and at plants approved by the Bureau of Entomology and Plant Quarantine, and, as a further condition of entry, in order to permit effective treatment, the contents of packages or bales shall not be compressed to a density of more than 30 pounds per cubic foot. Rice straw and rice hulls will be admitted only at ports where adequate facilities are available for such treatment. The required treatment must be given within 20 days after arrival, but if any shipment of rice straw or rice hulls shall be found upon arrival to be dangerously infested or infected the inspector may direct immediate treatment under adequate safeguards; and, if the treatment and safe-

guards are not put into effect as directed, the shipment shall be removed from the country immediately or destroyed.

Unless, within 20 days after the date of arrival of a shipment at the port at which the formal entry was filed, the importation has received the required treatment, due notice of which shall be given to the collector of customs by the inspector, demand will be made by the collector for redelivery of the shipment into customs custody under the terms of the entry bond, and, if such redelivery is not made, the shipment shall be removed from the country or destroyed.

(c) *General.* All charges for storage, cartage, and labor incident to inspection and disinfection, other than the services of the inspector, shall be paid by the importer.

All shipments shall be so baled, bagged, or wrapped as to prevent scattering or wastage. If, in the judgment of the inspector, a shipment is not so bagged, baled, or wrapped, it shall be reconditioned at the expense of the permittee or entry may be refused.

[Reg. 6, R. & Regs., as amended July 27, 1934]

§ 319.55-7 *Importations by mail.* Sections 319.55-2 to 319.55-6, inclusive, provide for importations otherwise than through the mails. Importations of seed or paddy rice from Mexico, and of rice straw and rice hulls from all foreign countries and localities, may be made by mail, *Provided* (a) That a permit has been issued for the importation in accordance with §§ 319.55-2, 319.55-4, and (b) That each shipment is accompanied from the foreign mailing point by a special mailing tag directing the package to a Bureau of Entomology and Plant Quarantine inspection station for inspection and, if necessary, for treatment, before being released to the mails for delivery to the importer, unless entry is refused in accordance with the provisions of § 319.55-6. The special mailing tags will be furnished on request to the importer for transmission in advance to his foreign shipper.

SUBPART—FRUITS AND VEGETABLES

SOURCE: §§ 319.56 to 319.56-7 contained in revised rules and regulations supplemental to Notice of Quarantine No. 56, governing the importation of fruits and vegetables into the United States, Department of Agriculture, Nov. 14, 1936; effective Dec. 1, 1936; except as noted following sections affected.

QUARANTINE

§ 319.56 *Notice of quarantine.* The fact has been determined by the Secretary of Agriculture, and notice is hereby given (a) that there exist in Europe, Asia, Africa, Mexico, Central America, and South America, and other foreign countries and localities, certain injurious insects, including fruit and melon flies (*Trypetidae*), new to and not heretofore widely distributed within and throughout the United States, which affect and may be carried by fruits and vegetables commercially imported into the United States or brought to the ports of the United States as ships' stores or casually by passengers or others, and (b) that the unrestricted importation of fruits and vegetables from the countries and localities enumerated may result in the entry into the United States of injurious insects, including fruit and melon flies (*Trypetidae*).

The Secretary of Agriculture, under authority conferred by the act of Congress approved August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), does hereby declare that it is necessary, in order to prevent the introduction into the United States of certain injurious insects, including fruit and melon flies (*Trypetidae*), to forbid, except as provided in the rules and regulations supplemental hereto, the importation into the United States of fruits and vegetables from the foreign countries and localities named and from any other foreign country or locality, and of plants or portions of plants used as packing material in connection with shipments of such fruits and vegetables.

On and after November 1, 1923, and until further notice, the importation from all foreign countries and localities into the United States of fruits and vegetables, and of plants or portions of plants used as packing material in connection with shipments of such fruits and vegetables, except as provided in the rules and regulations supplemental hereto, is prohibited.

This section leaves in full effect all special quarantines and other orders now in force restricting the entry into the United States of fruits and vegetables with the exception of Quarantine No. 49, with regulations, on account of the citrus black fly, which is replaced by this section.

[Notice of Quarantine 56, Aug. 1, 1923]

RULES AND REGULATIONS

§ 319.56-1 *Definitions*—(a) *Fresh fruits and vegetables*. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) *Plants or portions of plants*. Leaves, twigs, or other portions of plants, or plant litter or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) *Port of first arrival*. The first port within the United States where the shipment is (1) offered for consumption entry or (2) offered for entry for immediate transportation in bond.

(d) *Inspector*. An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

§ 319.56-2 *Restrictions on entry of fruits and vegetables*. All importations of fruits and vegetables must be free from plants or portions of plants, as defined in § 319.56-1 (b).

Dried, cured, or processed fruits and vegetables (except frozen fruits and vegetables), including cured figs and dates, raisins, nuts, and dried beans and peas, may be imported without permit or other compliance with the regulations in this subpart: *Provided*, That any such articles may be made subject to entry only under permit and on compliance with the safeguards to be prescribed therein, when it shall be determined by the Secretary of Agriculture that the condition of drying, curing, or processing to which they have been subjected may not entirely eliminate risk. Such determination with respect to any such articles shall become effective after due notice.

Fruits and vegetables grown in the Dominion of Canada and in Newfoundland,¹ including its mainland territory of Labrador, may be imported into the United States from these countries free from any restrictions whatsoever under the regulations in this subpart.

Any other fruit or vegetable, except as restricted, as to certain countries and

districts, by special quarantines² and other orders¹ now in force and by such restrictive orders as may hereafter be promulgated, may be imported from any country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture either (a) that such fruits and vegetables are not attacked in the country of origin by injurious insects, including fruit and melon flies (*Tephritidae*), or (b) that their importation from definite areas or districts under approved safeguards prescribed in the permit can be authorized without risk, or (c) that they have been treated, or are to be treated, in accordance with such conditions and procedure as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, under the supervision of a plant quarantine inspector of the said Department. However, entry of pineapples from Jamaica is restricted to the Port of New York and to such other northern ports as may be designated in the permits.

[13 F. R. 1280]

§ 319.56-2a *Permits required for entry of chestnuts and acorns*. Notice is hereby given that in accordance with the proviso to § 319.56-2, all species and varieties of chestnuts and acorns may be imported from any of the foreign countries or localities above mentioned, on and after September 1, 1929, only under permit and on compliance with the safeguards prescribed therein.

[Notice of permit requirement for entry of chestnuts and acorns from foreign countries, July 29, 1929]

§ 319.56-2b *Administrative instructions; conditions governing the entry of acorns and chestnuts*—(a) *Countries other than Canada*. The importation of acorns and chestnuts into the United States for purposes other than propagation, from all foreign countries and localities, except Canada, is authorized under permit under the provisions of § 319.56 as follows:

(1) *Authorized ports of entry*. Permits are issued on any port in the United States where this Bureau maintains in-

¹The importation of potatoes into the United States from Newfoundland and all other foreign countries, except the Dominion of Canada and Bermuda, is governed by the restricted entry order and regulations in §§ 321.1 through 321.8 of this chapter.

²The importation of citrus fruits into the United States from eastern and southeastern Asia and certain other areas is restricted by the Citrus Fruit Quarantine, § 319.28.

spection service in the enforcement of foreign plant quarantines.

(2) *Inspection.* All shipments are subject to inspection as a condition of entry.

(3) *Freedom from living stages of injurious insects.* Shipments shall be free of living stages of injurious insects including the European codling moth, *Laspeyresia* (*Carpocapsa*) *splendana*, and chestnut weevils, *Balaninus* spp., as a condition of release.

(4) *Infested shipments.* A shipment found to be infested with living stages of injurious insects shall be immediately destroyed unless in the judgment of the inspector it can be disposed of under adequate safeguards as the inspector may require in regard to handling, routing, etc., in one of the following ways:

(i) Immediate exportation.

(ii) Treatment at the first port of arrival.

(iii) Shipment from a port of arrival where no treatment facilities are available to a port where such facilities are available.

(5) *Approved treating plants.* Shipments required to be treated as a condition of entry shall be treated under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine at plants approved for the purpose by this Bureau. Approved plants are at present located at New York, San Pedro (Los Angeles), San Francisco, and Seattle.

(b) *Canada.* Acorns and chestnuts grown in and shipped from Canada are enterable without permit or other restriction when imported for purposes other than propagation.

[BEPQ 501, 4 F. R. 3722]

§ 319.56-2c *Administrative instructions; restrictions affecting the importation and interstate movement of frozen-pack fruits.* The importation into the United States and the interstate shipment from Hawaii and Puerto Rico of frozen fruits, other than those which may be entered in the fresh state, are authorized under the provisions of §§ 301.13-2, 301.58-3, 319.56-2 under the following restrictions and conditions:

(a) Importations and interstate shipments may be made only under permits issued in advance of shipment. Applications for permits should be made to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(b) The importation and interstate shipment is not authorized of fruits which may be subject to attack, in the area of origin, of plant pests for which the refrigeration treatment herein prescribed may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be completely effective.

(c) Fruit imported from foreign countries or shipped interstate from Hawaii or Puerto Rico under authority of this section must be frozen solid either before or after packing for shipment and must be at a temperature of 20° F., or below at the time of arrival.

(d) Such fruit may not be removed from the vessel transporting it until it has been determined by inspection by a representative of the Bureau of Entomology and Plant Quarantine that all parts of the shipment at the time of arrival registered a temperature of not more than 20° F. and until it has been released by the said representative of the Bureau of Entomology and Plant Quarantine.

(e) If the fruit in any part of a shipment imported or shipped interstate under authority of this section is found to be above 20° F. at the time of the inspection required in paragraph (d) of this section, the entire shipment shall remain on the transporting vessel under such safeguards as may be prescribed by the representative of the Bureau of Entomology and Plant Quarantine until it attains the required temperature of 20° F. or below, or is transported beyond the territorial waters of the United States.

Since the temperature will be determined by thermometers, provision should be made for easy access to the interior of shipments so as to avoid unnecessary mutilation or destruction of containers. It is suggested therefore that cans, casks, or other types of packages of not more than 5-gallon capacity be employed wherever possible.

Applications should include information with respect to the process to be employed—whether the fruit is to be frozen prior to or after placing in the containers—and the approximate length of time that it will be exposed to a temperature of 20° F. or below while in transit.

This section does not affect the status of those fruits which may be imported or shipped interstate in the fresh state under the provisions of the rules and reg-

ulations supplemental to §§ 301.13, 301.58, 319.56. When such fruits are offered for entry or interstate movement in frozen condition they are subject only to the restrictions which apply to their entry or interstate movement as fresh fruits. [BEPQ 462, Sept. 15, 1937]

§ 319.56-2d *Administrative instructions; sterilization of imported Vinifera grapes by refrigeration.* Recent experimental work by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has proved that all stages of the Mediterranean fruit fly in fruit will be destroyed if the fruit is subject to the following treatment:

Cooling until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 12 days.

On the basis of the evidence obtained and under the authority of § 319.56-2 provision is hereby made for the entry, under permit, and sterilization at plants designated for the purpose, of grapes of the *Vinifera* type from regions in which the Mediterranean fruit fly occurs, at the port of New York and such other northern ports as may be subsequently approved, under the following conditions:

(a) The grapes must be packed in tight barrels or kegs or other approved containers so constructed as to prevent the escape from the containers pending sterilization, of any stages of the Mediterranean fruit fly, should they be present. Unsterilized grapes in broken containers must be immediately repacked under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine or the contents shall be immediately destroyed in a manner satisfactory to the inspector.

(b) Within 24 hours from the time of unloading, the grapes shall be delivered for treatment to a designated cold-storage plant.

The Bureau of Entomology and Plant Quarantine will designate only those cold-storage plants which are adequately equipped to handle and sterilize the grapes. An application and a written agreement in form prescribed must be filed with the Bureau of Entomology and Plant Quarantine as a condition for designation.

The sterilization of grapes and their movement to and from the sterilization

rooms shall be done under the supervision of plant quarantine inspectors of the Bureau of Entomology and Plant Quarantine who shall at all times have access to the grapes.

Shipments offered for entry may be allowed to leave customs custody under redelivery bond for sterilization. Final release of the shipment by the collector of customs and cancellation of the bond will be effected after the inspector of the Bureau of Entomology and Plant Quarantine has notified the collector of customs that the required treatment has been given.

(c) For the purpose of additional safeguards and to eliminate possible risk that might be occasioned by breakage of containers, the entry of grapes is limited to the period from October 1 to April 15, when susceptible fruits will not be available for oviposition by fruit flies should any escape prior to the containers being placed in the approved sterilization chambers.

In authorizing the entry of *Vinifera* grapes into the United States subject to sterilization in accordance with the provisions of this section it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the grapes.

The treatment required for the entry of *Vinifera* grapes under the provisions of this section represent a requirement considered necessary to eliminate pest risks and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this section.

[BEPQ 463, Sept. 15, 1937]

§ 319.56-2e *Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized.* It has been determined that the refrigeration treatment prescribed in § 319.56-2d (BEPQ 463), as a condition for the entry of *Vinifera* grapes from regions in which the Mediterranean fruit fly occurs, can be completed while the fruit is in transit on ships equipped with adequate refrigeration facilities, provided the grapes have been cooled to the proper temperature before loading in refrigerated holds in the carrying vessels. It has also been determined that certain other deciduous fruits can be similarly treated.

The treatment prescribed in § 319.56-2d (BEPQ 463), requires the cooling of the grapes until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding it at or below that temperature for a period of 12 days. It has further been determined that cooling of grapes and certain other deciduous fruits until the approximate center of the fruit in the package reaches a temperature of 36° F. and holding it at or below that temperature for a period of 16 days is also a sufficient sterilization.

On the basis of the above determinations and under the authority of § 319.56-2 (Regulation 2 of the rules and regulations supplemental to Notice of Quarantine No. 56), grapes of the *Vinifera* type, and such other deciduous fruits as may be approved in the permit, which are prohibited entry in the fresh state because of the Mediterranean fruit fly, may be entered under the following conditions:

(a) Before being loaded they shall be cooled to a temperature of 32° F. under the supervision of an official designated by the Secretary of Agriculture, or one holding a comparable position, in the country concerned, in a plant approved for the purpose by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(b) The temperature of the grapes or other deciduous fruits shall in no case rise above 33° F. between the time they are taken from the precooling plant and the required refrigeration treatment is begun on the carrying vessel.

(c) The grapes or other deciduous fruits shall be held at a temperature of 34° F. or below for a period of 12 days, or at a temperature of 36° F. or below for a period of 16 days. Such treatment shall be applied only in vessels which have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, and in particular holds or compartments designated by that Bureau for this purpose. Treatments must be completed in the holds or compartments in which they are begun.

(d) Each container of grapes or other deciduous fruits to be imported into the United States under the provisions of this section shall be marked by an appropriate label, or stencil, or stamp impression, which will enable identification at all times.

(e) A certificate shall be issued in triplicate by an official designated by the Secretary of Agriculture or one holding a comparable position, in the country concerned, indicating compliance with the provisions of paragraphs (a) and (b) of this section. In addition this certificate shall give the identifying marks prescribed in paragraph (d) of this section. The signatures and official position of those designated to sign this certificate shall be submitted to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in quadruplicate.

(f) The original and one copy of the certificate required in paragraph (e) of this section shall be verified by the American Consul at the port of export and shall accompany the shipment and be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of entry. The third copy will be retained by the consular office verifying the certification.

(g) When requested, applicants for permits to import *Vinifera* grapes and certain other deciduous fruits under the provisions of this section shall furnish or arrange to have furnished, blueprints, plans, specifications, or such other information as may be deemed necessary for considering precooling plants or carrying vessels, for approval by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(h) When requested, provisions shall be made to authorize representatives of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, to inspect and carry on such tests as may be deemed necessary in or on precooling plants and carrying vessels for which approval has been requested under the provisions of this section.

(i) No permits will be issued for the importation of *Vinifera* grapes or other deciduous fruits under the provisions of this section until the precooling plant at the port of loading and the hold, holds, or compartments of the carrying vessels in which the prescribed in-transit treatment is to be given have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(j) Carrying vessels must be equipped with approved temperature-recording

instruments located, installed, operated, and maintained in a manner to be prescribed by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, for each vessel.

(k) Not more than 3 days prior to the lading of grapes or other deciduous fruits to be given in-transit sterilization as provided in this section, the temperature-recording instruments of the hold, holds, or compartments approved for the purpose shall be tested for accuracy by an official designated by the Secretary of Agriculture, or one holding a comparable position, in the exporting country, and the thermograph record shall bear an endorsement of said official in form approximately as follows:

Port of export -----
Date -----

The instruments installed for recording temperature within compartment ----- of the S. S. or M. S. ----- which compartment is loaded with ----- covered by precooling certificate No. ---- of the -----

(Name of certifying Government agency) were tested by me at the place and on the date above indicated, and were accurate to within ----° F.

(If no adjustments were necessary, add a statement to that effect. If adjustments were made, add a statement indicating their character.)

Signature -----
(Title of certifying officer)

(l) For entry under the provisions of this section, there shall be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of transshipment or at the port of entry, the original thermograph record showing the temperatures maintained in the holds or compartments in which the fruit concerned was sterilized. When necessary, additional photostatic copies of such records shall be provided at the expense of the permittee.

(m) Vinifera grapes or other deciduous fruits to be imported into the United States under the provisions of this section shall not be unloaded from the carrying vessel until evidence satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has been furnished showing that the grapes or other deciduous fruits have received the refrigeration treatment prescribed in this section.

(n) Whenever grapes or other deciduous fruits are offered for entry under the provisions of this section and it cannot be established to the satisfaction of the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture that they have received the required refrigeration treatment, they shall either remain on the vessel under safeguards prescribed by the inspector of the Bureau of Entomology and Plant Quarantine and under seal of the Bureau of Entomology and Plant Quarantine, or they shall be transported beyond the territorial limits of the United States under such safeguards as shall be prescribed by the inspector.

(o) Vinifera grapes or other deciduous fruits may be imported under the provisions of this section throughout the year and no restrictions are placed on the character of containers in which they shall be packed.

(p) In authorizing the entry of Vinifera grapes and certain other deciduous fruits into the United States in accordance with the provisions of this section, it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the fruit or its rejection. The treatment required for the entry of fruit under the provisions of this section represents a requirement considered necessary for the elimination of pest risk and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this section.

[BEPQ 464, rev. 12 F. R. 8787]

§ 319.56-2f *Administrative instructions; conditions governing the entry of cipollini from Morocco.* Shipments of cipollini (*Muscari comosum*) from Morocco have frequently been found infested at time of entry with an injurious insect, *Exosoma lusitanica*, not known to occur in the United States. The limited type of inspection at our disposal is not considered adequate to detect all cases of infestation and, since the effectiveness of methyl bromide fumigation in freeing this product from the insect in question is now well established, it has been decided to require this fumigation as a condition of entry for future shipments.

On and after December 7, 1939, therefore, fumigation with methyl bromide

will be a condition of entry for all shipments of cipollini from Morocco. This treatment shall be carried out under the supervision of a plant quarantine inspector at the expense of the importer, and release of the shipment will be withheld until the treatment has been completed. In addition to fumigation only such inspection will be given as the inspector may judge necessary from time to time to determine pest conditions on arrival or to assure himself of the effectiveness of the treatment.

The entry of cipollini from Morocco may be made only through the ports of New York and Boston at which ports facilities for vacuum fumigation with methyl bromide, as herein required, are available.

[BEPQ 504, 4 F. R. 4817]

§ 319.56-2g *Administrative instructions; importation of oranges, grapefruit, and Manila mangoes authorized from Mexico subject to treatment.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 319.56-2, on and after October 1, 1945, commercially sound fruit only of orange, grapefruit, and mango of the Manila variety may be imported in accordance with the permit and other requirements of said quarantine after each shipment has been subjected to the vapor-heat treatment described below, carried out at locations and in treatment rooms approved by the Chief of the Bureau of Entomology and Plant Quarantine and performed under the supervision of a plant quarantine inspector of that Bureau.

(a) *Vapor-heat treatment method.* The vapor-heat treatment method consists in the use of a mixture of air, live steam, and water spray, or a mixture of heated air and water spray, or a mixture devised in any other way so as to give saturation and condensation conditions at the temperature used, which conditions must be satisfactory to the supervising inspector of the Bureau of Entomology and Plant Quarantine. The mixture shall be circulated throughout the fruit in a manner and in a volume satisfactory to the supervising inspector. The fruit shall be treated for a period of not less than 14 hours, during which time the temperature at the approximate center of the fruit shall be raised to 110° F. and shall be maintained at or above 110° for the last 6 hours of such treatment.

In the case of treating plants located in the interior of Mexico, those in interest must make advance arrangements for supervision of the treatments and approval of the plant, and give acceptable assurance that they will provide transportation and per diem for the inspectors without cost to the United States Department of Agriculture.

[BEPQ 542, 10 F. R. 12075]

§ 319.56-3 *Applications for permits for importation of fruits and vegetables.* Persons contemplating the importation of fruits or vegetables the entry of which is authorized in the regulations in this subpart shall first make application to the Bureau of Entomology and Plant Quarantine for a permit, stating in the application the country or locality of origin of the fruits or vegetables, the port of first arrival, and the name and address of the importer in the United States to whom the permit should be sent.

Applications for permits should be made in advance of the proposed shipments; but if, through no fault of the importer, a shipment should arrive before a permit is received, the importation will be held in customs custody at the port of first arrival, at the risk and expense of the importer, for a period not exceeding 20 days pending the receipt of the permit.

Application may be made by telegraph, in which case the information required above must be given.

A separate permit must be secured for shipments from each country and for each port of first arrival in the United States.

§ 319.56-4 *Issuance of permits.* On approval by the Secretary of Agriculture of an application for the importation of fruits or vegetables, a permit will be issued in quadruplicate; one copy will be furnished to the applicant for presentation to the customs officer at the port of first arrival, one copy will be mailed to the collector of customs and one to the inspector of the Department of Agriculture at the port of first arrival, and the fourth will be filed with the application. Unless otherwise stated in the permit, all permits will be valid from date of issuance until revoked.

§ 319.56-5 *Notice of arrival by permittee.* Immediately upon the arrival of fruits or vegetables from the countries specified in the quarantine at the port of first arrival, the permittee or his agent

shall submit a notice in duplicate to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the kinds of fruits or vegetables, the quantity or the number of crates or other containers included in the shipment, the country or locality where grown, the date of arrival, the name of the vessel, the name and number, if any, of the dock where the fruits or vegetables are to be unloaded, and the name of the importer or broker at the port of first arrival, or, if by rail, the name of the railroad, the car numbers, and the terminal where the fruits or vegetables are to be unloaded.

Permits may be revoked and other permits refused if the permittee or his agent fails to submit the notice of arrival or gives a false notice or in any other way violates the quarantine.

§ 319.56-6 *Inspection and disinfection of importations of fruits and vegetables.* All importations of fruits or vegetables shall be subject, as a condition of entry, to such inspection or disinfection, or both, at the port of first arrival, as shall be required by the inspector of the Department of Agriculture, and shall be subject to reinspection at destination at the option of said Department.

Should any shipment of fruits or vegetables be found to be so infested with fruitflies or other dangerous pests that, in the judgment of the inspector of the Department of Agriculture, it cannot be cleaned by disinfection or treatment, or to contain leaves, twigs, or other portions of plants as packing or otherwise, the entire shipment may be refused entry.

No crate, box, hamper, or other container of fruits or vegetables, or fruits and vegetables in bulk, shall be removed from the port of first arrival unless and until a written notice is given to the collector of customs by the inspector of the United States Department of Agriculture that the products have been inspected and found to be free from infestation and from plants or portions of plants used as packing or otherwise: *Provided*, That the requirements under the regulations in this subpart with respect to the entry of foreign fruits and vegetables into any State for local consumption shall not be a bar to the enforcement of such additional safeguards as may be deemed necessary by the officials of such States.

All charges for storage, cartage, and labor incident to inspection and disinfection,

other than the services of the inspector, shall be paid by the importer.

§ 319.56-7 *Inspection of baggage and cargo on the dock.* Inspectors of the United States Department of Agriculture are authorized to cooperate with the customs inspectors in the examination of all baggage or other personal belongings of passengers or members of crews of vessels or other carriers whenever such examination is deemed necessary for the purpose of enforcing the provisions of § 319.56 with respect to the entry of any prohibited or restricted fruits or vegetables or plants or portions of plants which may be contained in the baggage or other belongings of such persons.

SUBPART—FLAG SMUT

SOURCE: §§ 319.59 to 319.59-7 contained in BEPQ—Q. 59, Amdt. 1, 9 F. R. 6389; except as noted following sections affected.

QUARANTINE

§ 319.59 *Notice of quarantine.* The Secretary of Agriculture, in order to prevent the introduction into the United States of the flag smut disease (*Urocystis tritici* Kcke.), a plant disease not heretofore widely prevalent or distributed within or throughout the United States, has determined that it is necessary to forbid the importation into the United States from India, Japan, China, Australia, Union of South Africa, Italy, and Spain, of all species and varieties of wheat (*Triticum* spp.) and wheat products, except such as have been so milled or so processed as to have destroyed all flag smut spores.

Now, therefore, under the authority conferred by the act of Congress known as the Plant Quarantine Act of August 20, 1912, as amended by the act of Congress of March 4, 1917 (39 Stat. 1165; 7 U. S. C. 160), and having duly given the public hearing as required thereby, he does hereby promulgate the aforesaid determination, effective February 1, 1926, and, thereafter, as provided in said act of August 20, 1912, amended as aforesaid, the importation from India, Japan, China, Australia, Union of South Africa, Italy, and Spain, of all species and varieties of wheat (*Triticum* spp.) and wheat products, except such as have been so milled or so processed as to have destroyed all flag smut spores is prohibited.

SUBPART—PACKING MATERIALS

SOURCE: §§ 319.69 to 319.69-5 contained in rules and regulations supplemental to Notice of Quarantine No. 69, Department of Agriculture, Feb. 20, 1933, effective July 1, 1933, except as noted following sections affected.

QUARANTINE

§ 319.69 *Notice of quarantine.* By virtue of the act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), the public hearing required thereby having been duly held, notice is hereby given as follows:

(a) On and after July 1, 1933, the following plants and plant products, when used as packing materials, are prohibited entry into the United States from the countries and localities named:

(1) Rice straw, hulls, and chaff; from all countries.

(2) Corn and allied plants (maize, sorghum, broomcorn, Sudan grass, napier grass, jobs-tears, teosinte, Polytoca, Sclerachne, Chionachne); all parts, from all countries except Mexico, and the countries of Central America, the West Indies, and South America.

(3) Cotton and cotton products (lint, waste, seed cotton, cottonseed, and cottonseed hulls); from all countries.

(4) Sugarcane; all parts of the plant including bagasse, from all countries.

(5) Bamboo; leaves and small shoots, from all countries.

(6) Leaves of plants; from all countries.

(7) Forest litter; from all countries.

(8) Soil containing an appreciable admixture of vegetable matter, from all countries, except such types of soil or earth as are authorized as safe for packing by the rules and regulations promulgated supplemental to this quarantine.

Exceptions to the above prohibitions may be authorized in the case of specific materials which have been so prepared, manufactured, or processed that in the judgment of the inspector no pest risk is involved in their entry.

(b) On and after July 1, 1933, the following plants and plant products, when used as packing materials, will be permitted entry into the United States from the countries and localities named only in accordance with the rules and regu-

lations promulgated supplemental to this quarantine.

(1) Cereal straw, chaff, and hulls, other than rice (such as emmer, spelt, oats, barley, and rye); from all countries.

(2) Corn and allied plants (maize, sorghum, broomcorn, Sudan grass, napier grass, jobs-tears, teosinte, Polytoca, Sclerachne, Chionachne); all parts, from Mexico and the countries of Central America, the West Indies, and South America.

(3) Willow twigs; from Europe.

(4) Grasses and hay and similar indefinite dried or cured masses of grasses, weeds, and herbaceous plants; from all countries.

(5) Soil containing an appreciable admixture of vegetable matter, from all countries, which is authorized as safe for packing by the rules and regulations promulgated supplemental to this quarantine.

This quarantine shall leave in full force and effect all other quarantines and orders.

[Notice of Quarantine 69, Feb. 20, 1933, as amended June 28, 1933]

RULES AND REGULATIONS

§ 319.69-1 *Definitions* — (a) *Packing materials.* The expression “packing material”, as used in § 319.69, includes any of the plants or plant products enumerated, when these are associated with or accompany any commodity or shipment to serve for filling, wrapping, ties, lining, mats, moisture retention, protection, or for any other purpose; and the word “packing”, as used in the expression “packing materials”, shall include the presence of such materials within, in contact with, or accompanying such commodity or shipment.¹

(b) *Soil containing vegetable matter.* Soil containing an appreciable admixture of vegetable matter, here brought under quarantine only because its content of decaying vegetation or plant re-

¹ Since it is the packing materials themselves which constitute the danger and not the manner of use, it is intended that the definition shall include their presence within or accompanying a shipment regardless of their function or relation to a shipment or the character of the shipment.

mains carries a definite pest risk, is to be distinguished from soil of purely mineral or earthy composition, which is not covered by this quarantine.

(c) *Inspector.* An inspector of the United States Department of Agriculture.

§ 319.69-2 *Freedom from pests.* All packing materials allowed entry under restriction shall be free from injurious insects and plant diseases.

§ 319.69-3 *Entry inspection.* All packing materials shall be subject to inspection at time of entry.

§ 319.69-4 *Disposition of materials found in violation.* If the inspector shall find packing materials associated with or accompanying any commodity or shipment being imported, or to have been imported, in violation of § 316.69 or of the regulations in this subpart or shall find them infested or infected with injurious insects or plant diseases, he may refuse entry to the shipment, or he may seize and destroy or otherwise dispose of such packing material, or he may require it to be replaced, or sterilized, or otherwise treated.

§ 319.69-5 *Types of soil authorized for packing.* The following types of soil or earth are authorized as safe for packing: (a) Peat, (b) peat moss, and (c) Os-munda fiber.

SUBPART—DUTCH ELM DISEASE

Source: §§ 319.70 to 319.70-6 contained in Revised Quarantine 70, 12 F. R. 6498.

QUARANTINE

§ 319.70 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, has determined that an injurious plant disease known as the Dutch elm disease, caused by the fungus *Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz), not heretofore widely prevalent or distributed within and throughout the United States, exists in various countries of the continent of Europe as well as certain foreign areas north of the United States. Therefore, pursuant to the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 316 and 317; 7 U. S. C. 159 and 160), the

Secretary of Agriculture forbids the importation into the United States from the continent of Europe, and the Dominion of Canada and other foreign areas north of the United States, including Newfoundland, Labrador, St. Pierre, Mi-quelon and islands adjacent thereto of (a) seeds, leaves, plants, cuttings, and scions of elm and related plants; (b) logs of elm and related plants; (c) lumber, timber, and veneer of such plants if bark is present on them; and (d) crates, boxes, barrels, packing cases, and other containers, and other articles manufactured in whole or in part of the wood of elm or related plants, if such wood is not free from bark, except as provided in the regulations supplemental to this quarantine.

RULES AND REGULATIONS

§ 319.70-1 *Definitions.* For the purposes of the regulations in this part, the following words, names, and terms shall be construed respectively, to mean:

(a) *Dutch elm disease.* The fungus disease of elms caused by *Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz), in any stage of development.

(b) *Elm and related plants.* Plants of the botanical family Ulmaceae, comprising all species of the following genera: *Ampelocera*, *Aphananthe*, *Barbeya*, *Celtis*, *Chaetachne*, *Chaetoptelca*, *Gironniera*, *Holoptelea*, *Lozanella*, *Parasponia*, *Phyllostylon*, *Planera*, *Pteroceltis*, *Trema*, *Ulmus* and *Zelkova*.

(c) *Certificate of origin.* A certificate issued and signed by an authorized governmental official of the country of origin stating that the products in the shipment were grown in a country, territory, or province where the Dutch elm disease is not known to occur.

(d) *Inspector.* An inspector of the United States Department of Agriculture.

§ 319.70-2 *Conditions governing the entry of elm and related plants from Europe.* (a) Products designated in § 319.70 may not be imported into the United States from the Continent of Europe: *Provided, however,* That under unusual circumstances an exception to this prohibition may be authorized by the Secretary of Agriculture for entry of such products under permit, under such

conditions and regulations as he may prescribe, or when the particular products have been or are to be so treated, prepared, or processed that, in his judgment, their entry involves no risk of pest introduction.

§ 319.70-3 *Conditions governing the entry of elm and related plants from Canada and other foreign areas north of the United States.* (a) Products designated in § 319.70 (other than seeds) may not be imported into the United States from the Province of Quebec, Canada.

(b) Logs, lumber, and any other parts of elm and related plants incapable of propagation may be imported into the United States under permit issued in accordance with § 319.70-4 and notice of arrival executed in accordance with § 319.70-5 when they have originated in either the Dominion of Canada (other than the Province of Quebec) or the other foreign areas north of the United States designated in § 319.70. Permit and notice of arrival requirements for such importations may be waived by the inspector when the products are accompanied by a certificate of origin.

(c) Clean seeds from any of the designated foreign areas north of the United States and other propagative materials of elm and related plants from these same areas (other than the Province of Quebec) are hereby exempted from the provisions of § 319.70. Admission of these products, however, is subject to the provisions of the Nursery Stock, Plant, and Seed Quarantine, No. 37 (§§ 319.37 to 319.37-25).

§ 319.70-4 *Procedure for obtaining permits.* Persons desiring to import products of elm or related plants incapable of propagation, the entry of which is regulated by the regulations in this part, shall submit to the Bureau of Entomology and Plant Quarantine an application¹ stating the name and address of the importer, the country, and, in the case of Canada, the province, from which the material is to be imported, the approximate quantity of the commodity for which a permit is desired, and the proposed United States port of entry. Upon receipt and approval of such application by the Bureau of Entomology and Plant Quarantine, a permit will be

issued authorizing the importation and specifying the authorized port of entry and the pertinent conditions and requirements for entry.

§ 319.70-5 *Notice of arrival.* Immediately upon the arrival at a port of entry of any material, the entry of which is permissible only under permit, the permittee shall submit to the Bureau of Entomology and Plant Quarantine, through the Collector of Customs, duplicate copies of a notice of arrival. Forms for this purpose are available from either the Bureau of Entomology and Plant Quarantine or the Collector of Customs.

§ 319.70-6 *Shipments for experimental or scientific purposes.* Articles governed by § 319.70 may be imported for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and restrictions as the Chief of the Bureau of Entomology and Plant Quarantine may prescribe.

SUBPART—COFFEE

SOURCE: §§ 319.73 to 319.73-3 contained in Notice of Quarantine 73, 5 F. R. 1115.

QUARANTINE

§ 319.73 *Notice of quarantine.* Having found that an injurious coffee insect (*Stephanoderes (coffeae) Hgdn. hampei* Ferr.), known as the coffee berry borer, and an injurious rust disease due to the fungus *Hemileia vastatrix* B. & Br., not heretofore widely prevalent or distributed within and throughout the United States, exist in various countries and localities throughout the world, the Secretary of Agriculture, pursuant to the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), as amended, has determined that, in order to prevent the introduction of the said pests into the Island of Puerto Rico, it is necessary to prohibit or restrict the importation into that Island from all foreign countries and localities of unroasted seeds or beans of coffee (*Coffea* spp.), coffee fruits or berries, and coffee plants and leaves.

Now, therefore, by virtue of the said Plant Quarantine Act, the public hearing required thereby having been duly held, notice is hereby given, first, that on and after April 1, 1940, the importation into the island of Puerto Rico from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to

¹ Address applications to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, New Jersey.

a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, and (c) coffee plants and leaves, is prohibited except by the Department of Agriculture for experimental and scientific purposes, and except for samples of unroasted coffee seeds or beans, and for shipments of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico; and, second, that the importation of samples of unroasted coffee seeds or beans, and importations of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico, shall be made only under the restrictions provided in the rules and regulations supplemental hereto: *Provided*, That individual shipments of materials prohibited or restricted by this section may be exempted from its provisions in whole or in part when it shall have been determined by the Chief of the Bureau of Entomology and Plant Quarantine that entry of the shipment in question may be made without risk of pest introduction.

RULES AND REGULATIONS

§ 319.73-1 *Permit*. All importations shall be made under permit and only at the port of San Juan.

§ 319.73-2 *Inspection and safeguard provisions*. Coffee samples shall not exceed 1 pound in weight and may be imported by mail, freight, express, or baggage. They shall be subject on arrival to inspection and fumigation or such other treatment as the plant quarantine inspector may require.

§ 319.73-3 *Restrictions on in-transit shipments*. In-transit shipments to foreign countries shall be subject to §§ 352.2-352.8, as revised. The same restrictions shall apply to shipments in transit to destinations elsewhere in the United States.

SUBPART—CUT FLOWERS

SOURCE: §§ 319.74 to 319.74-6 contained in BEPQ 74, 12 F. R. 4259, except as noted following sections affected.

QUARANTINE

§ 319.74 *Notice of quarantine*. The Secretary of Agriculture, having given the public hearing required by law and having determined the pest risk in-

volved, forbids the importation of cut flowers into the continental United States, Hawaii, and Puerto Rico from foreign countries, including those in Europe, Asia, Africa, Australasia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), except as provided in the regulations supplemental to this subpart.

This subpart shall not be construed to modify provisions applicable to cut flowers included in special quarantine or other restrictive orders now in force or hereafter promulgated.

RULES AND REGULATIONS

§ 319.74-1 *Definitions*. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cut flower*. The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state. This definition shall not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; nor to Christmas greenery, such as holly, mistletoe, and Christmas trees.

(b) *Inspector*. An employee of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(c) *Permit*. A form of authorization to allow the importation of cut flowers in accordance with the regulations in this subpart. In the case of cut flowers imported in small quantities, this may be an oral authorization by the inspector at the port of entry.

§ 319.74-2 *Regulated articles*. (a) All cut flowers imported into the United States from the foreign countries and islands designated in the quarantine are subject to the regulations in this subpart.

(b) Such types of cut flowers as may be determined by the Chief of the Bureau of Entomology and Plant Quarantine and designated by him in administrative instructions as involving special risk of introducing into the United States any

new and potentially injurious insect or plant disease shall be admitted only under permit.

(c) Whenever, in the opinion of the Chief of the Bureau of Entomology and Plant Quarantine, a State or Territory of the United States shall have taken action to suppress types of pests that may be imported with certain cut flowers, and shall have promulgated, when such action contributes to the suppressive program, a plant quarantine prohibiting the entry in interstate movement of specific kinds of cut flowers that might introduce such pests, and further shall have requested through the responsible State official that the United States Department of Agriculture cooperate by restricting the importation from foreign countries named in this quarantine of such cut flowers into the State or Territory in question, importations thereof to said State or Territory may be denied by the Chief of the Bureau of Entomology and Plant Quarantine either through refusing approval of a permit or such other means as he may announce.

§ 319.74-2a *Administrative instructions relative to the cut flower quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 319.74-2 (b) (Notice of Quarantine No. 74), it has been determined that the following types of cut flowers involve special risk of introducing into the United States new and potentially injurious insects or plant diseases when imported into the continental United States, Hawaii, and Puerto Rico from the foreign countries and localities designated in § 319.74:

Camellia—Camellia spp.
 Gardenia, cape jasmine—Gardenia spp.
 Rhododendron—Rhododendron spp. (including Azalea)
 Rose—Rosa spp.
 Lilac—Syringa spp.

Accordingly it is hereby required that the above types of cut flowers may be imported from the designated foreign countries and localities only under permits issued in accordance with the procedure authorized in §§ 319.74-3 to 319.74-5, inclusive.

[BEPQ 563, 12 F. R. 4260]

§ 319.74-3 *Conditions governing the entry of cut flowers.* (a) All cut flowers imported from the named foreign countries and localities, whether or not subject to permit requirements, shall be

given such inspection and treatment at the port of entry as may be deemed necessary by the inspector. Any cut flowers found upon inspection to be infested with injurious insects or infected with plant diseases, which cannot be eliminated by treatment, shall be denied entry. The importer will be given the option of abandoning for destruction such rejected cut flowers or immediately shipping them to a point outside the United States.

(b) Under circumstances which will in the judgment of the inspector eliminate pest risk, the inspector may orally authorize entry in small quantities of cut flowers that are subject to the permit requirements.

(c) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect or infected with an injurious plant disease, which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent, under the supervision of the inspector. All costs for such treatment, except for the services of the inspector, shall be borne by the importer or his agent. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of such treatment on the cut flowers so treated. In lieu of treatment the importer of infested or infected cut flowers shall be given the option of immediately shipping them to a point outside the United States or abandoning them for immediate destruction.

§ 319.74-4 *Procedure for obtaining permits.* (a) Persons desiring to import cut flowers subject to the permit requirements of the regulations in this subpart shall submit to the Bureau of Entomology and Plant Quarantine, an application¹ stating the exact designation of the cut flowers to be imported, the name and address of the exporter, the country where grown, the port of

¹ Address applications to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, New Jersey. Form EQ-687 may be used, but a letter or telegram setting forth the required information will be accepted in lieu of an application on form EQ-687.

entry, their destination in the United States, and the name and address of the importer or agent in the United States to whom the permit should be sent.

(b) Application for permit should be made in advance of the proposed importation.

(c) Upon receipt and approval of such application by the Bureau of Entomology and Plant Quarantine, a permit will be issued which will authorize the importation, specify the port of entry, and prescribe conditions that may be needed to safeguard against the entry of pests.

§ 319.74-5 *Notice of arrival.* Immediately upon the arrival at a port of entry of a commercial shipment of cut flowers, the entry of which is permissible only under permit, the permittee shall submit to the Bureau of Entomology and Plant Quarantine through the Collector of Customs, duplicate copies of a notice of arrival. A form is provided by the Bureau of Entomology and Plant Quarantine for that purpose.

§ 319.74-6 *Shipments for experimental or scientific purposes.* Cut flowers may be imported for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and restrictions as the Chief of the Bureau of Entomology and Plant Quarantine may prescribe.

Part 320—Mexican Border Regulations

Sec.

320.1 Administration.

320.2 Regulated vehicles, articles, and materials.

320.3 Definitions.

320.4 Inspection.

320.5 Railway cars.

320.6 Vehicles, articles, and materials, other than railway cars and unregulated boats.

320.7 Responsibility for opening and cleaning.

320.8 Responsibility for disinfection.

320.9 Fees for disinfection in Government-owned facilities.

AUTHORITY: §§ 320.1 to 320.9 issued under 55 Stat. 40; 7 U. S. C. 149.

SOURCE: §§ 320.1 to 320.9 appear at 7 F. R. 7025.

§ 320.1 *Administration.* The Chief of the Bureau of Entomology and Plant Quarantine is charged with the administration of the provisions of this act and the regulations in this part concurrently

with the Plant Quarantine Act and the quarantines and orders issued thereunder.

§ 320.2 *Regulated vehicles, articles, and materials.*¹ To carry out the purpose of the aforesaid act to prevent the introduction of insect pests and plant diseases the regulations in this part shall apply to railway cars, boats crossing the Rio Grande, aircraft, drawn or self-propelled vehicles (such as wagons, carts, trucks, automobiles), freight, baggage, containers, and articles or materials which may be contaminated with insect pests or plant diseases. This part, however, shall not apply to railway cars, other vehicles, and other materials originating in and moving directly from the northern territory of Baja California, Mexico.

§ 320.3 *Definitions.* For the purpose of this part the following words, names, and terms shall be construed, respectively, to mean:

(a) "Inspector" means an inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(b) "Owner or agent" includes both the singular and the plural and denotes the person, agent, firm, company, or official, having responsible custody of railway cars, vehicles, or other materials subject to these regulations.

(c) "Disinfection" includes any treatment or process designed to destroy insect pests or plant disease organisms.

(d) "Railway cars" includes all types of cars commonly employed in the transportation of freight, such as box, flat, tank, refrigerator, gondola, stock, etc.

(e) "Cleaning" means the removal, to the satisfaction of the inspector, of matter, other than the cargo and articles being moved, which may carry insect pests or plant diseases from railway cars, other vehicles, freight, express, baggage, and other materials.

(f) "Other vehicles" includes means of conveyance other than railway cars, such as aircraft, boats, automobiles, trailers, trucks, wagons, and carts, etc.

(g) "Other materials" includes all commodities, articles, and materials which may be the means of introducing

¹ The entry of certain plants and plant products is regulated or prohibited by quarantines and regulations promulgated under the Plant Quarantine Act as amended.

insect pests or plant diseases into the United States.

§ 320.4 *Inspection.* As a condition of entry into the United States from Mexico all articles and materials designated in § 320.2 shall be subject to examination by an inspector for the purpose of determining whether they may enter the United States without risk of introducing insect pests and plant diseases.

§ 320.5 *Railway cars.* When the inspector has determined by examination that railway cars may enter the United States without risk of introducing insect pests and plant diseases into the United States, he shall, insofar as these regulations may govern, permit their entry. If the examination discloses that any car is contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as condition of entry, cleaning, transfer of cargo, or disinfection, or all three. When cleaning alone has been prescribed and done to the satisfaction of the inspector he shall permit the entry of the cleaned cars, insofar as these regulations may govern entry. When disinfection is prescribed the entry of the cars shall be conditioned on their being fumigated, under the supervision of the inspector, either in a Government-owned fumigation house or otherwise in a place and by methods prescribed by the inspector. Immediately upon entry of railway cars for fumigation they shall be moved by the owner or agent having charge of same directly to the Government-owned fumigation plant or "spotted" at an approved place and before placing the cars in the fumigation chambers or "spotting" them for fumigating the railroad company servicing the cars shall cause the car doors to be opened and subsequent to fumigation it shall be the responsibility of the railroad company to remove the cars from the fumigation plant or place where they have been "spotted" and to close the car doors when the occasion requires. When the prescribed fumigation has been accomplished in manner required by the Chief of the Bureau of Entomology and Plant Quarantine, the inspector shall permit entry into the United States insofar as this part may govern. The inspector may authorize temporary entry of railway cars under conditions to be prescribed by him for unloading or loading in railroad yards at the port of entry or for in-transit movement from and to Mexico.

§ 320.6 *Vehicles, articles, and materials, other than railway cars and unregulated boats.* When the inspector has determined by examination that vehicles, other than railway cars and unregulated boats, or any of the various articles and materials covered by this part may enter the United States without risk of introducing insect pests or plant diseases, he shall permit their entry insofar as the regulations in this part may govern. If the examination by the inspector discloses such regulated vehicles, articles, or materials are contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as a condition of entry, cleaning, transfer of cargo, or disinfection, or any or all of these. The cleaning, transfer of cargo and disinfection shall be carried out under his supervision and to his satisfaction and until it has been so accomplished, entry into the United States shall be refused.

§ 320.7 *Responsibility for opening and cleaning.* The owner or agent in charge of railway cars, other vehicles, and freight, express, baggage, articles, or other materials shall open these for inspection as required by the inspector and provide reasonable access to every part thereof, and when cleaning is prescribed by the inspector as a condition of entry, shall so open, and clean, and do any and all things reasonably pertaining thereto as required by the inspector. All costs incident to entry, opening, and cleaning, except for the services of the inspector, shall be paid by the owner or agent in charge.

§ 320.8 *Responsibility for disinfection.* When disinfection involves fumigation the inspector will apply the fumigant whether in the houses erected for the purpose or in the cars themselves. If, in the judgment of the inspector, fumigation will not provide adequate safeguards against the introduction of insect pests and plant diseases, he may prescribe another type of disinfection which shall be applied by the owner or agent under the supervision of the inspector. Costs incident to such disinfection, other than the services of the inspector, shall be borne by the owner or his agent, or paid for as prescribed in § 320.9.

§ 320.9 *Fees for disinfection in Government-owned facilities.* Prior to entry of railway cars or other vehicles requiring fumigation in Government-owned fa-

cilities as a condition of entry, the owner or agent in charge shall buy fumigation coupons from the inspector in charge at the port of entry. The price fixed for these coupons shall represent as nearly as may be, the average cost of materials, facilities, and special labor used by the Bureau of Entomology and Plant Quarantine in performing such fumigation. On the basis of the average cost for such fumigation over a period of years the inspector in charge shall, until further notice, collect a fee of \$4.00 for each coupon sold. Payments for coupons, if practicable, shall be in the form of postal money orders, or bank drafts or certified checks drawn on United States banks, drawn to the credit of the Treasurer of the United States. Payments in United States currency will be accepted if tendered. All fees so collected by the inspector shall be promptly turned into the Treasury of the United States as miscellaneous receipts in accordance with the practices approved by the Secretary of Agriculture. •

Part 321—Restricted Entry Orders

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321.208	Imperial Valley, Lower California, Mexico, exempt from the regulations in this subpart.

AUTHORITY: §§ 321.1 to 321.208 issued under sec. 9, 37 Stat. 318; 7 U. S. C. 162.

SUBPART—FOREIGN POTATOES

SOURCE: §§ 321.1 to 321.8 contained in regulations governing the importation of potatoes into the United States, Department of Agriculture, Feb. 28, 1922, effective Mar. 1, 1922, except as noted following sections affected.

§ 321.1 *Order.* The Secretary of Agriculture, under authority conferred by section 5 of the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 316; 7 U. S. C. 159), does hereby determine and declare that, on and after January 15, 1914, common or Irish potatoes imported or offered for import into the United States

or any of its Territories or Districts shall be subject to all the provisions of sections 1, 2, 3, and 4 of said act of Congress. [Order covering admission of foreign potatoes under restriction, Dec. 22, 1913]

IMPORTATION OF POTATOES

§ 321.2 *Definition.* For the purpose of this subpart the term "potato" shall be understood as meaning the common or Irish potato (*Solanum tuberosum*) and its horticultural varieties.

§ 321.3 *General conditions governing potato importations.* Except as provided under § 321.8, potatoes will be admitted from any country when it is determined by such field inspection as shall be approved as adequate by the Bureau of Entomology and Plant Quarantine, that such country is free from potato wart and other injurious potato diseases and insect pests new to or not widely prevalent or distributed within and throughout the United States, and such country must further agree to examine and certify all potatoes offered for export in compliance with the regulations in this subpart: *Provided*, That the entry of potatoes will not be permitted from any country unless such country has an effective quarantine prohibiting the entry into such country of potatoes from any country known to be invaded by the potato wart or other injurious potato diseases or insect pests new to or not widely prevalent or distributed within and throughout the United States.

Entry of potatoes will not be allowed unless the invoice is accompanied by an original certificate and unless each container bears a copy certificate in accordance with § 321.6.

Potatoes will be admitted into the United States only through the port designated in the permit.

The entry of potatoes will not be permitted except where the shipments pass directly from the country of origin to the port of entry in the United States: *Provided*, That when transshipment is necessary at a port of a country under quarantine such transshipment shall be made by lighters from boat to boat in the harbor without landing the potatoes, and the consular invoice of place of origin must follow the shipment from original port of departure to the port of entry in the United States.

No shipment of potatoes will be permitted entry until it has been examined by an inspector of the Department of Agriculture and found or believed to be

free from the potato wart and other injurious potato diseases and insects pests.

Shipments of potatoes certified as provided herein found to be infested with potato wart or other injurious potato diseases, or with insect pests, will be refused entry.

All charges for storage, cartage, and labor incident to inspection other than the services of inspectors, shall be paid by the importer.

Except in case of bulk shipments, potatoes shall be contained only in bags, boxes, barrels, or other containers that have not previously been used for potatoes.

§ 321.4 *Applications for permits for importation of potatoes.* Persons contemplating the importation of potatoes shall first make application to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., for a permit, stating in the application the name and address of the exporter, the country and locality where grown, the port of departure (or port of consular invoice), the proposed port of entry, and the name and address of the importer in the United States to whom the permit should be sent.

Applications for permits must be made in advance of the shipment of the potatoes.

Applications may be made by telegraph, in which case the information required above must be given.

§ 321.5 *Permits for entry of potatoes.* On approval by the Secretary of Agriculture of an application for the importation of potatoes a permit will be issued in quadruplicate. One copy of the permit will be furnished to the applicant, to be retained by him for presentation on the arrival of the imported potatoes to the customs officer at the port of entry named in the permit, one copy will be mailed to the collector at the port of entry, one to the inspector of the Department of Agriculture, and the fourth filed with the application. The beginning of the period for which a permit will be valid will be expressed in the permit. All permits will expire on the 30th day of June next after they become valid.

Permits for the entry of potatoes may be refused and existing permits may be canceled on proof that the certificate of inspection does not correctly give the locality where the potatoes were grown, character of the shipment as to freedom from disease or insect infestation, or

that the containers have been previously used for the shipment of potatoes.

§ 321.6 *Foreign certificate of inspection.* Each certificate shall give the number of the permit; the date of inspection; name and address of the exporter; the district or locality and the country where grown; name and address of consignee; a statement that the potatoes were grown in a district free from infection with potato wart and have been certified by a duly authorized official to be free from potato wart and other injurious potato diseases and insect pests, and that they are contained in bags, boxes, barrels, or other containers that have not previously been used for potatoes, except as to bulk shipments. The original certificate shall be signed and sealed by a responsible inspection official for the country of origin. The copy certificate may be entirely printed, including the seal. The form of such certificate shall be as follows:

To whom it may concern:

This is to certify that the potatoes included in this shipment as per invoice attached, shipped under permit No. -----, consigned to -----

(Name and address of consignee)

shipped by -----,

(Name and address of exporter)

were grown in -----, a

(District or locality and country)

district free from infection with potato wart, are contained in bags, boxes, barrels, or other containers, except as to bulk shipments, not previously used for potatoes, and were certified by -----,

(Name of inspector)

-----, to be free from potato

(Date and year)

wart and other injurious potato diseases and insect pests.

[SEAL] (Signed) -----

(Title of official inspector)

Permits may be canceled and further permits refused for the importation of potatoes from any country whenever such potatoes, in the judgment of the Bureau of Entomology and Plant Quarantine, are found to be so infested as plainly to indicate that the foreign inspection is merely perfunctory.

Lists of officials in foreign countries authorized to inspect potatoes, giving their names and official designations, will be furnished to collectors of customs through the Secretary of the Treasury.

§ 321.7 *Notice of arrival of potatoes by permittee.* Immediately upon arrival and before unloading from the ves-

sel or other carrier the permittee shall notify the Secretary of Agriculture, on forms provided for that purpose, stating the number of permit, the quantity of potatoes included in the shipment, the country and locality where grown, the name and address of exporter or shipper, the port of departure, the date of arrival, and the name of the ship or vessel if transported by water, and the designation of the dock where the potatoes are to be landed, and, if by rail, the name of the railroad company, the car numbers, and the terminal where the potatoes are to be unloaded. If the destination of the car is changed en route the permittee shall immediately notify the Secretary of Agriculture of the final destination.

At the same time a copy of the notice to the Secretary of Agriculture shall be sent by the permittee to the duly authorized inspector of the department at the port of entry designated in the permit.

Permits may be canceled and other permits refused if the permittee fails to give either of said notices or gives a false notice.

Lists of such inspectors and officers may be ascertained from the collector of customs or the Bureau of Entomology and Plant Quarantine, Washington 25, D. C.

§ 321.8 *Special provision for the importing of potatoes from the Dominion of Canada and Bermuda, the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, Sonora, and Tamaulipas, Mexico, and the northern territory of Baja California, Mexico, into the United States.* Potatoes may be imported from the Dominion of Canada and Bermuda into the United States or any of its Territories or Districts, free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912.

Importations from the State of Sonora, Mexico, will be permitted to enter through the ports of Douglas, Naco, and Nogales, Ariz., and such other ports as may be designated in the permit; importations from the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, and Tamaulipas, Mexico, will likewise be permitted to enter through these ports and, in addition, through the ports of Brownsville, Laredo, Eagle Pass, and El Paso, Tex., and such other ports as may be designated in the permit.

Importations from the northern territory of Baja California, Mexico, will be

permitted to enter through the ports of Calexico and San Ysidro, Calif., and such other ports as may be designated in the permit.

Importations of potatoes thus authorized entry from Mexico shall be in compliance with the provisions of §§ 321.2 to 321.7 inclusive.

[BEPQ Potato Reg. 7, Amdt. 6, 9 F. R. 3761]

SUBPART—FOREIGN COTTON LINT

SOURCE: §§ 321.101 to 321.116 contained in rules and regulations governing importation of cotton and cotton wrappings into the United States, revised, Feb. 24, 1923; except as noted following sections affected.

§ 321.101 *Order.* The Secretary of Agriculture, under authority conferred by section 5 of the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 316; 7 U. S. C. 159), does hereby determine and declare that on and after July 1, 1915, cotton lint, baled or unbaled, imported or offered for import into the United States or any of its Territories or Districts from Europe, Asia, Africa, South America, North America outside of the United States, and from any other foreign localities or countries, shall be subject to all the provisions of sections 1, 2, 3, and 4 of said act of Congress.

[Order covering admission of foreign cotton lint under restriction, Apr. 27, 1915]

IMPORTATION OF COTTON AND COTTON WRAPPINGS

§ 321.102 *Definitions.* For the purposes of the regulations in this subpart the term "cotton" shall mean raw or unmanufactured ginned cotton, either baled or unbaled, including all cotton which has not been woven or spun or otherwise manufactured, such as all forms of cotton waste, including thread waste, card strips, willowed fly, willowed picker, picker or blowings, and chum and cotton waste, in any other form or under any other trade designation, and also including secondhand burlap or other fabric which has been used, or is of the kinds ordinarily used, for wrapping cotton.

For the purposes of the regulations in this subpart, the term "inspector" shall mean an inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

§ 321.103 *Applications for permits.* Persons contemplating the importation of cotton into the United States shall make application for a permit to the

Secretary of Agriculture, Washington 25, D. C., in advance of shipment, on forms provided for that purpose.

Permits will authorize the entry of cotton at the ports of Boston, Providence, New York, Seattle, Portland, Oreg., San Francisco, and Los Angeles, and at such other ports of entry as may be approved by the Bureau of Entomology and Plant Quarantine: *Provided*, That for cotton of the types not requiring disinfection as a condition of entry under the proviso to § 321.107, and under the two provisos to § 321.110, and for second-hand burlap and other fabric of the kinds ordinarily used for wrapping cotton for which disinfection or approved equivalent treatment is not required under the second proviso to § 321.112, permits will be issued for entry at the following additional ports: Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, Gulfport, Miss., New Orleans, Houston, Galveston, Beaumont, Port Arthur, Niagara Falls, Buffalo, Port Huron, Detroit, Chicago, and Sumas, Blaine, and Bellingham, Wash.: *Provided further*, That for second-hand burlap or other fabric of the kinds ordinarily used for wrapping cotton which is to be treated under conditions prescribed by the Bureau of Entomology and Plant Quarantine in a manner equivalent to disinfection under the first proviso to § 321.112, permits will be issued for entry at the additional ports of Philadelphia, Baltimore, Niagara Falls, Buffalo, Port Huron, Detroit, and Chicago.

Permits to authorize the entry of cotton via the United States for shipment to a foreign country will be issued under the provisions of §§ 352.1–352.8 as prescribed in the permit: *Provided*, That cotton which has been entered in bond for subsequent disinfection may be exported from the United States upon prior approval of, and under conditions to be prescribed by, the Bureau of Entomology and Plant Quarantine.

(a) If cotton falling under the regulations in this subpart is offered for entry at a port where the entry requirements cannot be met, provision must be made either for its prompt transfer to a port where the requirements of entry can be met, or for its removal forthwith from the port and the territorial waters of the United States. Transfers to other ports for compliance with the regulations, and the routing thereto, must be authorized by the Bureau of Entomology and Plant Quarantine.

(b) Under postal restrictions, the importation is authorized by samples, small packets, and parcel post of samples of raw or unmanufactured ginned cotton, including all forms of cotton-mill waste, when the parcels are securely wrapped to prevent leakage, and are conspicuously addressed to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, at Washington 25, D. C., San Francisco, Calif., or Seattle, Wash., and, if from Mexico, at Nogales, Ariz., El Paso, Laredo, or Brownsville, Tex., with the name and address of the ultimate addressee indicated in the lower left-hand corner of the wrapper of the parcel. Upon receipt of the parcels at the designated inspection offices of the Bureau of Entomology and Plant Quarantine, they will be examined and disinfected, and forwarded to the ultimate addressee.

[Reg. 2, R. & Regs. as amended Dec. 11, 1937]

§ 321.104 *Permits for entry.* On approval of an application for the importation of cotton a permit will be issued. One copy will be furnished to the applicant; one copy will be mailed to the collector and one copy to the inspector at each port of entry involved; and a copy will be filed with the application.

§ 321.105 *Marking, a condition of entry.* Every bale or other container of cotton offered for entry shall be plainly marked with such bale numbers and other marks as will distinguish the bales or containers from each other.

§ 321.106 *Notice of arrival by permittee.* Immediately upon the arrival of the cotton at the port of entry the permittee shall submit, in duplicate, notices to the Secretary of Agriculture, through the collector of customs on forms provided for that purpose, stating the number of the permit, the number of bales or other containers of cotton included in the shipment, the bale or container numbers and marks, the country and locality where grown, the name and address of the exporter or shipper, the port of departure, the date of arrival, the customs entry number, and, if transported by water, the name of the ship or vessel and the designation of the dock where the cotton is to be landed, and, if by rail, the name of the railroad company and the terminal where the cotton is to be unloaded.

(a) *Notice of arrival to cover all cotton shown on bill of lading.* In submitting the notices of arrival required by

this section the permittee will list all the cotton which is expected on the vessel in question as shown by the bill of lading, whether or not the cotton so listed actually arrives on the boat on which it is expected. This makes it unnecessary to report the cotton as listed on the ship's manifest, or to determine by actual inspection whether all the cotton reported on the bill of lading has been shipped.

(b) *Notice of arrival of short shipments.* In the case of short shipments the permittee must continue to submit the notices of subsequent arrival of the cotton listed in the original bill of lading, indicating the permit and customs entry numbers covering the original entry and the name of the disinfection plant to which the cotton will be sent for disinfection.

§ 321.107 *Disinfection a condition of entry.* Imported cotton must be disinfected, as a condition of entry, to the satisfaction and under the supervision of an inspector. Such cotton may be released to the permittee for such disinfection within the limits of the port of entry at a plant approved by the Department of Agriculture upon the giving of a bond on Customs Form 7551, 7553, or other appropriate form to insure that the cotton is disinfected under the supervision and to the satisfaction of an inspector or returned to customs custody when demanded by the collector of customs.¹ The cotton shall not be moved from the limits of the port of entry nor shall any bale or other container thereof be broken or opened for sampling until so authorized by an inspector: *Provided*, That cotton which has been so manufactured as to have eliminated all seed, including cotton known as card strips and thread waste and other cotton which can be determined as having been so manufactured or which has been so processed by bleaching or dyeing as to have destroyed all insect life, will be inspected on arrival at the port of entry and, if found to comply as to grade with the requirements of this proviso and with the marking conditions required in § 321.105, will be released from further restriction under the regulations in this subpart: *Provided further*, That the classes of raw or unmanufactured cotton known as linters and hull fiber, when imported through maritime ports specified in the permits in bales compressed to a density

¹ See 19 CFR 12.12 (c).

of at least 35 pounds per cubic foot and in quantity sufficient for carlot movement, may be released without disinfection as a condition of entry, for forwarding for manufacture into cellulose to designated plants that have executed agreements that they will utilize imported linters and hull fiber promptly, and that the collection and disposal of bale covers, wastage, and debris, including the cleaning of cars and other sanitary requirements, will be carried out to the satisfaction of an inspector of the Bureau of Entomology and Plant Quarantine.

Upon completion of disinfection of imported cotton in compliance with this section, such cotton shall be marked under the supervision of an inspector indicating such disinfection and may thereafter be distributed, forwarded, or shipped without restriction under the regulations in this subpart. Cotton held by a permittee for disinfection under the provisions of this section must be stored under conditions approved by an inspector.

[BEPQ Cotton Reg. 6, Amdt. 5, 10 F. R. 1361]

§ 321.108 *Notice of shipment of undisinfected cotton by permittee.* If, prior to disinfection of the cotton, the permittee desires to ship it out of the United States under authority of § 321.103, or to move it for approved storage, pending disinfection under the 40-day provision of § 321.107, for each separate shipment or consignment thereof, the permittee shall notify the Secretary of Agriculture on forms provided for that purpose, stating the number of the permit, the date of entry, the customs entry number, the name and address of the consignee to whom it is proposed to forward the cotton, the number of bales or other containers included in the shipment, and the bale or container numbers and marks, together with the probable date of delivery for and route of transportation. This notice must be submitted in duplicate to the inspector at the port of entry before removal of the undisinfected cotton.

§ 321.109 *Licenses required for disinfection plants.* Any person, firm, or corporation desiring to engage in the disinfection of cotton or other products the disinfection of which is required under the regulations in this subpart must secure a license from the Secretary of Agriculture. To secure such a license, application should be made on forms provided for that purpose.

§ 321.110 *Return to the United States of cotton previously exported therefrom.*

(a) Sections 321.102–321.109 apply to all cotton offered for entry irrespective of the country where grown: *Provided*, That cotton grown in the United States, if in its original containers, may be admitted under permit without disinfection on compliance with §§ 321.103–321.106, when evidence is submitted satisfactory to the Bureau of Entomology and Plant Quarantine that such cotton was grown in the United States and its entry, in the judgment of the Bureau of Entomology and Plant Quarantine does not involve danger to the cotton cultures of the United States: ¹ *Provided further*, That foreign cotton may be reentered into the United States under permit and without further disinfection on compliance with §§ 321.103–321.106, if in its original containers, when evidence is submitted satisfactory to the Bureau of Entomology and Plant Quarantine that the cotton was previously imported into the United States, disinfected under the provisions of the regulations in this subpart, and was subsequently moved from the confines of the United States.

(b) Applications for authority to enter without disinfection cotton falling under the provisos to § 321.110 should be accompanied by evidence consisting of copies of the bills of lading covering the shipment of the cotton to the foreign country, showing the marks and numbers on the bales with a statement that the cotton is being returned in its original containers, and any other information which will aid the Bureau in determining whether the cotton is entitled to the benefit of either of the provisos to this section. Cotton which has been rebaled if returned must make full compliance with the disinfection requirements of the regulations in this subpart.

§ 321.111 *Restrictions governing the entry of cotton from Imperial Valley, Lower California, Mexico.* Cotton grown in the Imperial Valley in the State of Lower California, Mexico, shall be subject to all the requirements of the regulations in this subpart: *Provided*, That

¹ Cotton grown in quarantined areas in the United States. Cotton grown in the United States in areas quarantined on account of the pink bollworm or other insect pests of cotton and offered for entry into the United States, unless disinfected prior to export, must meet the conditions of the regulations in this subpart applying to foreign cotton.

such cotton will be admitted and may be distributed, forwarded, or shipped without restriction as long as it shall be determined by the Bureau of Entomology and Plant Quarantine that the pink bollworm does not exist in the State of Lower California, Mexico, and that effective quarantine measures are being maintained by the proper Mexican authorities prohibiting the entry into Lower California of cottonseed, seed cotton, cottonseed hulls, and cotton, baled or unbaled, grown in other parts of Mexico or in foreign countries other than the United States.

Permits for the entry of cotton grown in the Imperial Valley in the State of Lower California, Mexico, may be refused and existing permits revoked whenever it shall be determined by the Bureau of Entomology and Plant Quarantine that the provisions of the foregoing proviso are not being satisfactorily maintained.

§ 321.112 *Importation of second-hand burlap or other fabric which has been used or of the kinds ordinarily used for wrapping cotton subject to restrictions.* Secondhand burlap or other fabric, under whatever name or trade designation, of the kinds ordinarily used for wrapping cotton shall be subject to all requirements of the regulations in this subpart: *Provided*, That material covered by this section may be permitted entry under permit, without disinfection under conditions prescribed by the Bureau of Entomology and Plant Quarantine, when it is shown to the satisfaction of the Bureau that the material will be treated promptly in such a manner as will be equivalent to disinfection: *Provided further*, That second-hand or used burlap or other fabric of the kinds ordinarily employed for the wrapping of cotton but which has not been so used, and American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only, may be admitted under permit without disinfection.

(a) *New or unused stock not covered by this section.* This section does not apply to new or unused burlap or other fabric of the kinds ordinarily employed to wrap cotton.

(b) *Conditions of entry under first proviso.* The prompt conversion into paper or other approved treatment of material falling under this section will be considered the equivalent of disinfection, and material to be so converted

or treated will be classed as falling under the first proviso to this section when its movement to the place of conversion or treatment will involve no risk to the cotton cultures of the United States. Upon approval of the process of conversion or treatment and of the movement involved and on receipt of an agreement to comply with the prescribed safeguards, a license will be issued. Full instructions governing the conditions of entry without disinfection under the first proviso to this section may be obtained upon application of the Bureau of Entomology and Plant Quarantine.

(c) *Conditions of entry under second proviso.* The second proviso covers (1) the entry of second-hand or used burlap or other fabric of the kinds ordinarily employed in wrapping cotton, but which has not been so used, and (2) American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only. Under this proviso, therefore, the entry of second-hand cotton wrappings without disinfection is strictly limited to American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only. The entry without disinfection of other secondhand or used burlap or other fabric of the kinds ordinarily employed in wrapping cotton is limited strictly to such fabrics as have never been used as cotton wrappings.

(d) *Mixed bales containing objectionable material must be disinfected or treated by approved equivalent method.* In the case of American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only, if there appear attached to such gunny patches of the finer burlaps or gunnies when it is apparent that such finer materials are strictly in the nature of patches and represent such an inconsiderable proportion as not to affect the character of the bale as a whole, disinfection or approved equivalent treatment may not be required. This ruling does not apply, however, to bales of a mixed character which contain both American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only and the finer burlaps and gunnies, whether these latter have or have not been used as cotton wrappings. It is deemed thoroughly impracticable to determine by external inspection with any degree of accuracy the history of the finer gunnies in such

mixed bales, and the disinfection of such bales, or approved equivalent treatment, will be required. Importers are therefore advised that the classes of burlaps, gunnies, etc., which may be entered without disinfection, or approved equivalent treatment, must be baled separately to secure the advantage of such entry.

(e) *Classification of bagging in regard to disinfection.* The classes of burlaps or other fabrics referred to may be listed as follows:

(1) Second-hand or used burlap or other fabric of the kinds ordinarily employed in wrapping cotton but which has not been so used. Disinfection not required.

(2) American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only. Disinfection not required.

(3) Cotton wrappings other than those included in subparagraph (2) of this paragraph. When utilized under conditions prescribed by the Bureau of Entomology and Plant Quarantine, disinfection not required.

(4) All cotton wrappings not included in subparagraphs (2) and (3) of this paragraph. Disinfection required.

§ 321.112a *Administrative instructions; conversion of certain classes of burlap into paper or other approved treatment as the equivalent of the disinfection required by § 321.112.* Pursuant to the first proviso of § 321.112, the Bureau of Entomology and Plant Quarantine has authorized, as treatment equivalent to disinfection, the prompt conversion into paper of burlap or other fabric. Any other conversion or treatment proposed under this proviso to § 321.112, must be submitted to the Bureau for prior approval. For such conversion the importers or dealers will be required to secure a license from the Bureau of Entomology and Plant Quarantine authorizing the movement of the imported material from the port of arrival to the mill for prompt conversion or treatment. Such movement will be permitted only to mills which have applied for and secured licenses from the Bureau authorizing them to receive and convert or to treat such materials.

Before the issuance of a license to an importer or a dealer in such materials, or to a mill for conversion or treatment, the importer, the dealer, or the mill will

be required to guarantee to the Bureau of Entomology and Plant Quarantine the carrying out of all of the provisions of the above-named regulations and the following additional requirements in the case of each shipment which may be imported, purchased, or received.

(a) Whenever an inspector of the Bureau shall pronounce a lot of burlap or other fabric as requiring disinfection under § 321.112 the importer or dealer shall promptly elect and notify said inspector of his desire either (1) to have the material disinfected and released from further restriction, or (2) to dispose of it at once under restriction for prompt approved treatment.

(b) If the importer or dealer elects option (2) of paragraph (a) he may ship the material nowhere but to a licensed mill, though he may sell it to another licensed dealer at the same port of arrival who must then carry out the requirements of the regulations in this subpart.

(c) Upon the release of such material by an inspector of the Bureau of Entomology and Plant Quarantine the importer or dealer shall ship it promptly to the designated licensed mill in through railroad cars which contain no other material except such as will enter into similar manufacture at the mill in question, or he may move it by motortruck or lighter to near-by mills.

(d) The importer or dealer shall promptly notify the dealer to whom he may sell the material, or the mill to which he ships it, that it is disposed of under license for prompt approved treatment only, and shall furnish the said dealer or mill the entry number, the quantity, and the marks of the material shipped.

(e) Immediately upon the removal of the material from the port of arrival the importer or dealer will report at once to the Bureau of Entomology and Plant Quarantine, through its inspector at the port of arrival, the name of the licensed dealer to whom sold or the name and location of the licensed mill to which shipped, the entry number, the quantity, marks, date of shipment, and the numbers of the cars in which the material is shipped.

(f) A licensed mill receiving such material shall use it solely in the conversion or treatment process previously approved by the Bureau of Entomology and Plant Quarantine though in an emer-

gency it may become a dealer and dispose of the material to another licensed dealer or licensed mill, shipping it direct only to the other licensed mill.

(g) The cars or other vehicles conveying the material to the mill shall be promptly unloaded, and immediately after unloading shall be carefully swept and cleaned and all refuse burned.

(h) The material shall be stored in a warehouse apart from all other material which is not to enter into similar manufacture, and shall be so marked, so located, or so designated that each shipment may be separately identified.

(i) The mill will make two reports direct to the Bureau of Entomology and Plant Quarantine, Washington 25, D. C., on each shipment; (1) when the shipment arrives and is unloaded it will report the name of the dealer, the entry number, the date of arrival, the quantity, the marks, the car numbers, the fact of the cleaning of the cars, and the name and location of the warehouse at the mill where stored; (2) when the shipment is consumed it will report the name of the dealer, the entry number, the quantity, the marks, and the date of completion of its consumption.

(j) Any duly authorized inspector of the Bureau of Entomology and Plant Quarantine, provided with an official badge, shall have authority to enter any dock, pier, railroad car, warehouse, or mill where any burlap or other fabric included in the regulations in this subpart may be, for the purpose of inspecting the same and identifying it or of witnessing the processes of its conversion or disinfection.

These requirements are a part of § 321.112 and any violation of them will make the dealer or the importer subject to the provisions of § 321.113.

[HB 121, Oct. 1, 1923]

§ 321.113 *Revocation of permits and licenses.* Permits and licenses may be refused, and existing permits and licenses revoked, for violation of any of the provisions of the regulations in this subpart.

§ 321.114 *Provision for the entry via border ports of cotton lint and linters from Mexico.* Baled cotton lint and linters produced in Mexico may be imported into pink bollworm infested areas of the United States through border ports approved by the Chief of the Bureau of Entomology and Plant Quarantine for

that purpose, subject to such treatment on arrival as is required under §§ 301.52-1 to 301.52-12, for the interstate movement of cotton lint and linters produced in those areas: *Provided, however,* That no cotton lint and linters produced in areas of Mexico determined by the Chief of the Bureau of Entomology and Plant Quarantine as heavily infested with the pink bollworm may enter the United States under the provisions of this section unless such areas are adjacent to heavily infested areas of the United States.

Baled cotton lint and linters produced in areas of Mexico determined by the Chief of the Bureau of Entomology and Plant Quarantine to be uninfested with the pink bollworm may be imported through border ports approved by the Chief of the Bureau of Entomology and Plant Quarantine for that purpose subject to compression at compresses designated in the permit.

This section leaves in full force and effect the provisions of § 321.111 affecting the entry of cotton grown in the Imperial Valley in the State of Lower California, Mexico.

[3 F. R. 1619]

§ 321.115 *Administrative instructions; cotton samples—*(a) *Imported cotton samples should be listed on ship's manifest as "cotton samples" and should be packed separately.* It has occasionally happened that cotton samples received by various permittees have been listed on the ship's manifest as "samples," such cotton sometimes being included in the same container with samples of other merchandise, so that it is impossible for the inspector to determine from the ship's manifest whether or not the cargo contains material requiring disinfection. In one instance it was found that a case of samples was entered at a Pacific port along with a number of cases of egg-yolk powder, and since there was nothing on the ship's manifest or the entry papers to indicate the presence of cotton in the shipment, it was allowed to go forward in bond to Chicago. Upon examination at the latter point it was found that the case contained, among other samples, a package of raw cotton, which, under the circumstances, it was necessary to forward in bond to New York for disinfection and final entry.

(b) *Importers should instruct shippers regarding packing and listing of sam-*

ples. Importers of cotton are requested to instruct their foreign shippers to pack cotton samples separately, and not to include them in a package or crate with other merchandise. The samples should be listed on the ship's manifest as "cotton samples," so that upon arrival at the port of entry the inspector may be advised of their presence in the ship's cargo.

(c) *Entry of cotton samples not so listed or packed with other material to be refused.* The entry of samples in the irregular manner indicated above does not comply with the conditions of entry prescribed by §§ 321.102–321.114, and, hereafter, entry will be refused to samples arriving in this manner. Any attempt to enter cotton samples under any other designation than "cotton" or to enter cotton packed in the same container with other material may lead to the necessity of revoking permits.

[Modification of instructions contained in HB 90, Sept. 27, 1917, and issued as an appendix to §§ 321.102–321.114 under the title "Supplemental Instructions"]

§ 321.116 *Administrative instructions; wastage.* A very considerable amount of leakage or wastage occurs in the process of unloading and handling foreign cotton on the docks, transportation to disinfection plants, in storage pending disinfection, and in the disinfection plants themselves pending disinfection.

Such waste is especially noteworthy in the case of Mexican cotton. This cotton is inadequately hooped with iron over an insufficient wrapper of coarse sisal-fiber netting, in most instances but a few shreds of this netting remaining. The bales themselves become merely ragged masses of cotton of such character that the wastage in handling is constant and enormous. In view of the fact that Mexico is known to be infested with the pink bollworm, this condition of the bales adds a very large new element of risk. The instructions here given apply, however, to all wastage from imported cotton.

(a) *Care should be exercised in handling cotton to avoid waste.* Permittees and persons in charge of disinfection plants are urged to use great care in the handling of cotton to avoid waste, and are instructed to provide for the prompt and regular collection of such waste on the docks or other places of unloading and between such places of landing or unloading and the disinfection plants or

places of temporary storage in such plants or elsewhere, including the sweeping of cars and clean-up of outdoor areas where such wastage may occur in the process of handling, and all wastage in disinfection plants.

(b) *Mixed wastage coming from undisinfected foreign cotton and American cotton or disinfected foreign cotton to be treated as undisinfected.* If undisinfected foreign cotton is stored with American or disinfected foreign cotton pending disinfection, all wastage from such storage places must necessarily be treated as undisinfected foreign cotton and therefore become subject to the restrictions herein set forth. Leakage from disinfected and undisinfected cotton occurring in disinfection plants must be treated as undisinfected foreign cotton subject to the restrictions herein set forth.

(c) *Baling, marking, and disinfection of wastage required.* All such wastage must be properly bagged or baled and must be disinfected promptly. The bags, bales, or other containers must be marked with such marks and numbers as will distinguish them from each other and indicate the disinfection plant or place of collection and that the material contained is such collected waste.

(d) *Notice of collection of wastage.* Notice of collection of such wastage with full description must be made in duplicate to the inspector at the port of entry on a form corresponding to the notice of arrival of cotton (§ 321.106). Notification should be made weekly, where practicable, and in no case should report of collection of a bag or bale of wastage be delayed more than a month.

(e) *Cleaning of lighters, cars, trucks, etc., used for transporting imported cotton.* Lighters, cars, trucks, or other means of conveyance used for the transportation of cotton from landing docks to disinfection plants must be thoroughly swept out immediately upon unloading and the sweepings either burned or collected and disinfected.

(f) *Compliance to be under supervision of inspector.* Compliance with the conditions outlined above is to be made under the supervision of an inspector.

[Modification of instructions contained in HB 78, Feb. 8, 1917, and issued as an appendix to §§ 321.102–321.114 under the title "Supplemental Instructions"]

SUBPART—COTTONSEED PRODUCTS FROM ALL FOREIGN COUNTRIES

SOURCE: §§ 321.201 to 321.208 contained in rules and regulations governing the importation of cottonseed cake, meal, and other cottonseed products into the United States, Secretary of Agriculture, June 29, 1917. Exceptions are noted following sections affected.

ORDERS

§ 321.201 *General order.* The Secretary of Agriculture has determined that the unrestricted importation of cottonseed cake, meal, and all other cottonseed products, except oil, from all foreign countries, may result in the entry into the United States, its Territories and Districts, of injurious insects, including the pink bollworm (*Pectinophora gossypiella*).

The Secretary of Agriculture, under authority conferred by the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U. S. C. 151-167), does hereby determine and declare that on and after July 16, 1917, cottonseed cake, meal, and all other cottonseed products, except oil, imported or offered for import into the United States or any of its Territories or Districts, from all foreign countries, shall be subject to all the provisions of sections 1, 2, 3, and 4 of said act of Congress.

[Order restricting admission of cottonseed cake, meal, and all other cottonseed products, except oil, from all foreign countries, June 23, 1917]

§ 321.202 *Order; cottonseed oil from Mexico.* The Secretary of Agriculture, under authority conferred by the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U. S. C. 151-167), does hereby determine and declare that on and after July 16, 1917, cottonseed oil imported or offered for import into the United States or any of its Territories or Districts, from Mexico, shall be subject to all the provisions of sections 1, 2, 3, and 4 of said act of Congress.

[Order restricting admission of cottonseed oil from Mexico, June 23, 1917]

RULES AND REGULATIONS

§ 321.203 *Applications for permits.* Persons contemplating the importation of cottonseed cake, meal, and other cottonseed products, except oil (see § 321.207), into the United States shall make application for a permit on forms provided for that purpose to the Bureau of

Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., stating the name and address of the exporter, the country and locality of origin, the port of departure, the proposed port of entry, and the name and address of the importer or of the broker in the United States to whom the permits should be sent.

Permits will be required for cottonseed cake, meal, and other cottonseed products, except oil, entering the United States for immediate transportation in bond to foreign countries, and the route over which transportation will be allowed will be designated in the permit.

§ 321.204 *Permits for entry.* On approval of the application, a permit will be issued in quadruplicate; one copy will be furnished to the applicant for presentation to the customs officer at the port of entry, one copy will be mailed to the collector at the port of entry, one copy to the inspector of the Department of Agriculture at the port of entry, and the fourth will be filed with the application. All permits will be valid from date of issuance until revoked. The port of entry approved will be named in the permit. Entry from Mexico will be limited to the border ports as to shipments by rail and as to ocean shipments to such northern ports of the United States as may be indicated in the permits.

Permits may be revoked whenever the Bureau of Entomology and Plant Quarantine shall determine that the articles imported or offered for importation contain raw cotton seed.

§ 321.205 *Notice of arrival.* Immediately upon arrival of the shipment at the port of entry the permittee shall notify the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the quantity included in the shipment, the country and locality of origin, the name and address of the exporter or shipper, the port of departure, the date of arrival, and, if transported by water, the name of the ship or vessel and the designation of the dock where the shipment is to be landed, and, if by rail, the name of the railroad company and the terminal where the shipment is to be unloaded.

At the same time a copy of such notice shall be sent by the permittee to the inspector of the Department of Agriculture at the port of entry designated in the permit.

§ 321.206 *Conditions of entry.* Entry will not be allowed unless the invoice is accompanied by a certificate issued by the exporter, stating that the products covered by the permit were, in the process of manufacture, safeguarded from contamination with raw cottonseed not forming part of the manufactured products, and, subsequent to manufacture, and as shipped, were safeguarded from, and entirely free from contamination with raw cottonseed; and until a written notice is given to the collector of customs by an inspector of the Department of Agriculture that they are released for entry without further restrictions so far as the jurisdiction of the Department of Agriculture extends thereto, which notice shall not be given until the products have been inspected and found free from uncrushed cottonseed, and, in the case of entry at ports on the Mexican border, disinfected: *Provided*, That, permits for the entry from Mexico of cottonseed cake, meal, or other cottonseed products, will be issued only for such products, originating in mills located in the Laguna district, or in the Altar district in the State of Sonora, or in such other districts as may be subsequently approved by the Secretary of Agriculture; and that such products offered for entry at ports on the Mexican border must further comply with Part 320.

[Reg. 4, R. & Regs. governing importation of cottonseed cake, meal, and other cottonseed products, as amended Aug. 7, 1925]

§ 321.207 *Entry of cottonseed oil from Mexico restricted.* The exception of cottonseed oil in §§ 321.203–321.206 shall not apply to cottonseed oil offered for entry from Mexico.

§ 321.208 *Imperial Valley, Lower California, Mexico, exempt from the regulations in this subpart.* Sections 321.203–321.207 shall not apply to cottonseed cake, meal, oil, and other cottonseed products originating in and shipped directly from the Imperial Valley, Lower California, Mexico.

Part 322—Importation of Adult Honeybees Into the United States

REGULATIONS

Sec.

322.1 Definition of bee diseases.

322.2 Definition of adult honeybees.

Sec.

322.3 Importation of adult honeybees prohibited except as hereinafter provided.

322.4 Adult honeybees may be imported from countries free from bee diseases.

322.5 State laws on control of diseases of bees to be respected.

AUTHORITY: §§ 322.1 to 322.5 issued under sec. 1, 42 Stat. 833; 7 U. S. C. 281.

SOURCE: §§ 322.1 to 322.5 contained in regulations governing the importation of adult honeybees into the United States May 12, 1933, Dept. Circ. 287.

CROSS REFERENCE: For customs regulations concerning honeybees, see 19 CFR 12.31, 12.32.

REGULATIONS

§ 322.1 *Definition of bee diseases.* For the purpose of the regulations in this part, it is understood that a disease dangerous to the adult honeybee is one which attacks adult honeybees, as distinguished from one which attacks the brood or developmental stages of the honeybee. Such diseases of adult honeybees are understood to include all diseases which attack adult honeybees, including queen bees, worker bees, and drones or male bees: *Provided*, That the disease caused by the protozoan parasite, *Nosema apis*, sometimes known as *Nosema-disease*, now widespread in the United States, shall not be considered as a disease dangerous to adult honeybees for the purposes of the regulations in this part.

§ 322.2 *Definition of adult honeybees.* Since, in the opinion of the Secretary of Agriculture, the importation of queen bees, with necessary accompanying worker bees, is the only kind which is necessary for the improvement of the stock of honeybees within the United States, it is understood that, for the purposes of the regulations in this part, such expressions as the “importation of honeybees” or “importation of adult honeybees” shall mean the importation of queen bees and the necessary accompanying worker bees, except as hereinafter provided.

§ 322.3 *Importation of adult honeybees prohibited except as hereinafter provided.* The importation into the United States of the honeybee (*Apis mellifica*) in its adult stage, except as hereinafter provided, is prohibited, and all adult honeybees offered for entry into the United States, except as hereinafter

provided in the regulations in this part, shall be destroyed if not immediately exported.

§ 322.4 *Adult honeybees may be imported from countries free from bee diseases.* In accordance with the second proviso of the act, adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall have determined that there exists no disease dangerous to adult honeybees.

(a) The Secretary of Agriculture, having determined that no disease dangerous to adult honeybees exists in the Dominion of Canada and being advised that, under order of the Deputy Minister of Agriculture of the Dominion of Canada, dated April 22, 1922, the importation of bees, used and second-hand hives, and raw hive goods and products, except honey and wax, from the continent of Europe into the Dominion of Canada, is prohibited, does hereby authorize that adult honeybees, unrestricted as to the definition thereof contained in § 322.2 hereof, may be imported from the Dominion of Canada into the United States or any of its Territories or Districts free from any restriction whatsoever provided in the regulations in this part, until otherwise ordered.

(b) Importations under the second proviso of the act, from any country other than the Dominion of Canada, shall be conditioned on the determination by the Secretary of Agriculture that, as a result of adequate scientific investigations, no diseases dangerous to adult honeybees exist in the country in question and that adequate precautions have been taken by such country to prevent the importation of adult honeybees from countries where such dangerous diseases exist.

§ 322.5 *State laws on control of diseases of bees to be respected.* Nothing in the regulations in this part shall interfere with the regulations of any State pertaining to the control of the diseases of bees, either of the adult stage or of the brood, and a removal of the restrictions of this act as applied to any country shall not be construed as granting permission for importations prohibited by the laws of the State into which shipment is contemplated.

Part 323—Terminal Inspection

§ 323.1 *Plants and plant products in California.* (a) Effective July 11, 1946, the Director of Agriculture of California promulgated an order quarantining the southern portion of San Diego County, California, against the grape leaf skeletonizer (*Harrisina brillians*), and forbidding the movement from the quarantined area of fresh fruits of grape, and grapevines and parts thereof, unless each shipment or lot is accompanied by a prescribed certificate issued by the County Agricultural Commissioner of San Diego County.

(b) Conforming with the provisions of the act of March 4, 1915, as amended (38 Stat. 1113, 49 Stat. 1461; 7 U. S. C. 166), the State of California has established facilities for the terminal inspection of plants and plant products at various places in the State of California and the Director of Agriculture of the said State has submitted to the Secretary of Agriculture of the United States the following list of plants and plant products and the plant pest transmitted thereby:

<i>Plants and Plant Products and Plant Pest</i>	
Grapevines and parts thereof	Grape leaf skeletonizer
Fresh fruits of grape	

(c) Pursuant to the provisions of said act of March 4, 1915, the aforesaid list of plants, plant products, and plant pests is hereby approved in its entirety, and the Postmaster General has been so notified.

(d) The plants and plant products listed unquestionably are hosts of the grape leaf skeletonizer. Effective enforcement of the State quarantine by the State renders essential the prompt adoption of this section.

(38 Stat. 1113; 49 Stat. 1461; 7 U. S. C. 166)
[11 F. R. 14585]

Part 351—Importation of Plants or Plant Products by Mail

- Sec.
- 351.1 Joint treatment generally.
 - 351.2 Location of inspectors.
 - 351.3 Procedure on arrival.
 - 351.4 Records.
 - 351.5 Return or destruction.
 - 351.6 Packages in closed mail dispatches.
 - 351.7 Regulations governing importation by mail of plant material for immediate export.

CROSS REFERENCE: For customs regulations governing importation of plants and plant products, see 19 CFR Part 12.

AUTHORITY: §§ 351.1 to 351.7, issued under sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 7, 37 Stat. 317; 7 U. S. C. 160.

SOURCE: §§ 351.1 to 351.7 contained in Treasury Decision 50891, 8 F. R. 9317.

§ 351.1 *Joint treatment generally.* Under various orders, quarantines, and regulations promulgated by the Secretary of Agriculture under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315, 7 U. S. C. 154) as amended, the entry into the United States of certain plants and plant products is prohibited or restricted. As an aid in enforcing these or subsequent orders, quarantines, and regulations, provisions have been made by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, concurrently with the Postal and Customs Services, to insure closer inspection of such importations.

§ 351.2 *Location of inspectors.* Inspectors of the Bureau of Entomology and Plant Quarantine and customs officers are stationed at the following post offices:

Atlanta, Ga.	Mobile, Ala.
Baltimore, Md.	Naco, Ariz.
Blaine, Wash.	New Orleans, La.
Boston, Mass.	Newport News, Va.
Brownsville, Tex.	New York, N. Y.
Buffalo, N. Y.	Nogales, Ariz.
Calexico, Calif.	Norfolk, Va.
Charleston, S. C.	Pensacola, Fla.
Chicago, Ill.	Philadelphia, Pa.
Del Rio, Tex.	Port Arthur, Tex.
Detroit, Mich.	Port Everglades, Fla.
Douglas, Ariz.	Portland, Oreg.
Eagle Pass, Tex.	Presidio, Tex.
El Paso, Tex.	Roma, Tex.
Galveston, Tex.	St. Albans, Vt.
Hidalgo, Tex.	St. Paul, Minn.
Honolulu, T. H.	San Diego, Calif.
Houston, Tex.	San Juan, P. R.
Jacksonville, Fla.	San Francisco, Calif.
Key West, Fla.	San Ysidro, Calif.
Laredo, Tex.	Savannah, Ga.
Los Angeles, Calif.	Seattle, Wash.
(including San	Tampa, Fla.
Pedro)	Washington, D. C.
Miami, Fla.	West Palm Beach, Fla.

§ 351.3 *Procedure on arrival.* All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found to contain plants or plant products shall be dispatched for submission, or actually submitted, to the plant-quarantine inspector (19 CFR 9.12 (b)) at the

most accessible place. The inspector shall pass upon the contents under the plant quarantine act and with the cooperation of the customs and postal officers either (1) release the package from further plant-quarantine examination and indorse his decision thereon; or (2) divert it to Washington, D. C., Hoboken, N. J., San Francisco, Calif., or Seattle, Wash., for disposition. If so diverted, the plant-quarantine inspector shall attach to the package the yellow-and-green special mailing tag addressed to the proper quarantine station. If the package is diverted, it shall be accompanied by customs card Form 3511 and transmitted in accordance with the appropriate provisions of article 372 (a) (JR 12a) of the Customs Regulations of 1937 (19 CFR, 1938 ed., 7.9 (a)). Envelopes containing customs card Form 3511 addressed to the collector of customs, New York, N. Y., shall contain a notation that the material is to be referred to the Bureau of Entomology and Plant Quarantine, Hoboken, N. J.

§ 351.4 *Records.* The customs officers at Washington, D. C., San Francisco, Calif., Seattle, Wash., and New York, N. Y., shall keep a record of such packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare a mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch or in appropriate cases subject the shipment to formal customs entry procedure.

§ 351.5 *Return or destruction.* Where the plant-quarantine inspector requires the entire shipment to be returned to the country of origin as a prohibited importation (in which event he shall indorse his action thereon) and delivers the shipment to the collector of customs, the collector shall in turn deliver it to the postmaster for dispatch to the country of origin. If, upon examination, the plant material is deemed dangerous to plant life, the collector of customs shall permit the plant-quarantine inspector to destroy immediately both the container and its contents. In either case the plant-quarantine inspector shall notify the addressee of the action taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be delivered to the addressee, after removing and destroying the objec-

tionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (BEPQ Form 387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor. Mail packages received at San Juan, P. R., and Honolulu, T. H., shall be accorded treatment as herein prescribed at those two ports and not diverted to Washington, D. C., Hoboken, N. J., San Francisco, Calif., or Seattle, Wash.

§ 351.6 *Packages in closed mail dispatches.* The foregoing instructions shall be followed in the treatment of packages containing plants or plant products received in closed mail dispatches made up for transmission directly to a post office located at a customs port at which no plant-quarantine inspector is stationed. Such packages (accompanied by customs card Form 3511) shall be forwarded by the collector of customs through the postmaster to the most accessible post office listed in § 351.2 for appropriate treatment in the manner hereinbefore provided for. This procedure shall also be followed in respect of such packages which are forwarded to unlisted post offices from the post office of original receipt, without having received plant-quarantine examination. Packages discovered at post offices where no customs officer is located shall be forwarded by the postmaster under his official penalty envelope addressed to the collector of customs at the most accessible post office listed for appropriate treatment as prescribed herein.

§ 351.7 *Regulations governing importation by mail of plant material for immediate export.* To collectors of customs and others concerned:

Shipments of plant material may be imported by mail for immediate exportation by mail, free of duty, subject to the following regulations, which have been approved by the Department of Agriculture and the Post Office Department:

(a) Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the United States Department of Agriculture, and also the postal form of customs declaration.

(b) Upon arrival, the shipment shall be detained by, or redispached to, the postmaster at Washington, D. C., San Francisco, Calif., Seattle, Wash., Honolulu, T. H., or San Juan, P. R., as may be appropriate, according to the address on the yellow and green tag, and there submitted to the customs officer and the Federal quarantine inspector (T. D. (Customs) 40363).¹ The merchandise shall under no circumstances be permitted to enter the commerce of the United States.

(c) After inspection by the customs and quarantine officers, and with their approval, the addressee, or his authorized agent, shall repack and readdress the mail parcel under customs supervision; affix to the parcel the necessary postage, and comply with other mailing requirements, after which the parcel shall be delivered to the postmaster for exportation by mail pursuant to 19 CFR 9.11. The contents of the original parcel may be subdivided and exported in separate parcels in like manner.

(d) Each parcel imported shall be subject to the payment of the regular 10-cent customs clearance fee and the 5-cent delivery fee exacted by the postal service.

(e) It will not be necessary to issue customs mail entry (Form 3419) nor to require formal entry of the shipments. Copies of Customs Form 7513 shall be furnished the Comptroller and the Section of Customs Statistics at New York, respectively.

The mail shipments referred to shall be accorded special handling only at the five points specified in paragraph (b) of this section.

The foregoing procedure shall not affect the movement of plant material in the international mails in transit through the United States.

[Regs., Sec. Agric., Postmaster General, Sec. Treas., T. D. (Customs) 48237, par. (A), Mar. 20, 1936; redesignated at 13 F. R. 7382]

Part 352—Treatment of Restricted or Prohibited Plants or Plant Products Temporarily in the United States

ORDER

Sec.

352.1 Safeguarding plants and plant products.

¹ Not filed with the Division of the Federal Register.

REGULATIONS

- Sec.
352.2 Definitions.
352.3 Permits for landing or unloading for exportation or for transportation and exportation.
352.4 Application for permit.
352.5 Issuance of permits.
352.6 Notice of arrival.
352.7 Conditions governing landing for exportation.
352.8 Disposal of restricted or prohibited plants and plant products, the entry or landing of which is not intended, or for which entry is refused, while they are within the territorial limits of the United States.
352.9 Administrative instructions; oranges and grapefruit from Mexico in transit to foreign countries via the United States.

AUTHORITY: §§ 352.1 to 352.9 issued under sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 5, 37 Stat. 316; 7 U. S. C. 159.

SOURCE: §§ 352.1 to 352.9 contained in plant safeguard regulations, revised, Department of Agriculture, Oct. 4, 1932, except as noted following sections affected.

ORDER

§ 352.1 *Safeguarding plants and plant products.* Under the authority conferred upon the Secretary of Agriculture by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), as amended, it is ordered that on and after December 1, 1932, the unloading, landing, movement, or possession within the territorial limits of the United States of plants and plant products the importation of which is now or may hereafter be restricted or prohibited by plant quarantines or orders, when they shall fall in the following categories, shall be permitted only when danger of pest escape is not involved and shall be subject to compliance with the regulations supplemental hereto:

- (a) Are unloaded or landed for transshipment and exportation.
- (b) Are unloaded or landed for transportation and exportation.
- (c) Are brought in for temporary stay where unloading or landing is not intended.
- (d) Are intended for importation but are refused entry.

Such plants and plant products found to have been landed, unloaded, or brought within the territorial limits of the United States in contravention of the provisions of this order may be seized, destroyed, or otherwise disposed of, as authorized by

section 10 of the act (45 Stat. 468; 7 U. S. C. 164a).

Any person attempting to bring, land, or unload or move or maintain such plants and plant products within the territorial limits of the United States, except as provided in the regulations supplemental hereto, shall be liable upon conviction to the penalties prescribed by the said act.

[Order for safeguarding plants and plant products temporarily in United States territory, Oct. 4, 1932]

REGULATIONS

§ 352.2 *Definitions.* For the purposes of the regulations in this part the following words, names, and terms shall be construed, respectively, to mean:

(a) *Plants and plant products.* Nursery stock, other plants, plant parts, roots, bulbs, seeds, fruits, nuts, vegetables, other plant products, and any plant product constituted, in whole or in part, of plant material which has not been so manufactured or processed as to eliminate pest risk.

(b) *Restricted.* Importation into the United States allowed only in accordance with regulations issued under plant quarantines or orders.

(c) *Prohibited.* Importation into the United States forbidden by plant quarantines or orders.

(d) *Immediate (export), immediate (transportation and exportation).* The period which, in the judgment of the inspector, is the shortest practicable interval of time between the arrival of an incoming vessel, aircraft, or land vehicle, and the departure of the outgoing vessel, aircraft, or land vehicle transporting a consignment of restricted or prohibited plants and plant products.

(e) *Vessel.* Any craft in which plants and plant products may be transported by water.

(f) *Aircraft.* Any vehicle in which plants and plant products may be transported by air.

(g) *Vehicle.* Any contrivance which may be used for the transportation of plants and plant products on land.

(h) *Safeguard.* So to handle, maintain, or dispose of plants and plant products falling within the categories to which the regulations in this part apply as to minimize or to eliminate pest risk which the said plants and plant products may involve.

(i) *Inspector.* Any employee of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act and furnished with and wearing a suitable identifying badge.

(j) *Person.* Imports both the singular and the plural, as the case demands, and shall include corporations, companies, societies, and associations (sec. 11 of the act).

(k) *Act.* The Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 151-167), as amended.

§ 352.3 *Permits for landing or unloading for exportation or for transportation and exportation.* The landing or unloading for exportation, or for transportation and exportation, of plants and plant products, whose entry is now, or may hereafter be, restricted or prohibited, shall not be allowed, except under permit and at such port of entry and over such route as shall be designated in the permit.

§ 352.4 *Application for permit.* Persons contemplating the landing or unloading of restricted or prohibited plants and plant products for exportation, or for transportation and exportation, should apply to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C.,¹ for a permit, stating:

(a) Exact nature and quantity of the plants and plant products.

(b) Country² and locality in which grown or produced.

(c) Name and address of foreign shipper.

(d) Foreign port of departure.

(e) Name of transportation line (water, air, rail, vehicular) bringing the plants and plant products to the United States.

(f) Port of arrival in the United States.

(g) Proposed routing to United States port of exit.

(h) Proposed United States port of exit.

¹ Application form No. 685 will be furnished on request.

² This is not necessarily the same as the country in which the foreign port of departure is located. The need is emphasized of indicating the country in which the products were actually grown.

§ 352.5 *Issuance of permits.*³ On approval of an application, a permit will be issued to the permittee for submittal to the collector of customs at the port of entry.⁴

§ 352.6 *Notice of arrival.* Immediately upon the arrival at a port of the United States of restricted or prohibited plants and plant products intended for exportation or for transportation and exportation, the permittee shall submit to the Bureau of Entomology and Plant Quarantine, through the collector of customs, a notice of arrival on the form provided for that purpose,⁵ furnishing, in addition to the information required by the application for permit:

(a) Name of transportation line (water, air, rail, vehicular), and

(b) Name of vessel, aircraft, or land vehicle (if by rail, the car numbers should be furnished) to which the said plants and plant products will be transshipped or transferred for exportation or for transportation and exportation.

(c) United States port of exit.

(d) Name and address of foreign consignee.

(e) Date of arrival at port of entry.

(f) Present location of the shipment.

§ 352.7 *Conditions governing landing for exportation.* Restricted or prohibited plants and plant products for which a permit has been issued shall not be landed or unloaded for transfer or transshipment for exportation or for transportation and exportation, except under the supervision of the collector of customs and in accordance with 19 CFR, 18.19, 18.20, and 18.30.

The landing or unloading and the transfer or transshipment of such restricted or prohibited plants and plant

³ Entries of this character are usually handled by customs brokers or by forwarding agents to whom a permit will be issued upon approval of an application.

⁴ In addition to the copy furnished to the permittee, or to his agent, for presentation to the customs officer at the United States port of arrival, a copy of the permit will be mailed to the collector of customs, one to the inspector of the Bureau of Entomology and Plant Quarantine at the port, and the fourth will be filed with the application.

⁵ For the sake of convenience, the application for permit and the notice of arrival are combined in one form (No. 685), which is intended to serve as an application, or as a notice of arrival, or for both purposes.

products shall be effected by such methods and under such safeguards as shall be required by an inspector of the Bureau of Entomology and Plant Quarantine.

It is required that all restricted or prohibited plants and plant products for which landing or unloading for exportation or for transportation and exportation is provided in this order shall be exported from the United States within the shortest practicable time after being landed or unloaded. The terms "exportation" and "transportation and exportation", as employed in the regulations in this part, shall be understood to mean "immediate exportation" and "immediate transportation and exportation." If immediate exportation or immediate transportation and exportation are not effected as required, the said plants and plant products shall be subject to seizure and to destruction or other disposal, as authorized by section 10 of the act (45 Stat. 468; 7 U. S. C. 164a).

§ 352.8 *Disposal of restricted or prohibited plants and plant products, the entry or landing of which is not intended, or for which entry is refused, while they are within the territorial limits of the United States.* If, in the judgment of the Secretary of Agriculture or his authorized agent, it is necessary to safeguard restricted or prohibited plants and plant products arriving at a port of the United States where entry or landing is not intended, or for which entry is refused, and they can not be adequately safeguarded, they shall be seized, destroyed, or otherwise disposed of, as provided in section 10 of the act.

If, in the judgment of the Secretary of Agriculture or his authorized agent, it is necessary to safeguard such restricted or prohibited plants and plant products, and they can be adequately safeguarded, he shall prescribe the necessary measures and shall advise, in writing, the master, captain, pilot, driver, or other person in charge or possession of the vessel, aircraft, or land vehicle of the safeguards so prescribed. If the said restricted or prohibited plants and plant products are not safeguarded in accordance with the prescribed measures, they shall be seized, destroyed, or otherwise disposed of, as provided in section 10 of the act (45 Stat. 468; 7 U. S. C. 164a).

§ 352.9 *Administrative instructions; oranges and grapefruit from Mexico in transit to foreign countries via the United*

States—(a) Entry via ports on the Mexican border—(1) Permits. Permits shall be procured in advance of shipment from the Division of Foreign Plant Quarantines, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J., by the forwarding agent or other representative of the consignee or consignor in the United States. Application for permits shall indicate the proposed routing of the shipment.

Separate permits shall be procured for each port of entry and for each country of destination, but permits as issued will be continuing for shipments over the approved routes designated therein.

(2) *Origin of oranges and grapefruit.* Oranges may enter at approved ports from any state in Mexico. Entry of grapefruit is limited to that produced in and shipped from the State of Sonora.

(3) *Authorized ports of entry.* Oranges may enter at Nogales and Naco, Ariz., El Paso, Eagle Pass, and Laredo, Tex.; grapefruit may enter only from Sonora at Nogales and Naco, Ariz.

(4) *Period of entry.* The entry of oranges and grapefruit from Sonora is authorized throughout the entire year. Oranges originating in other Mexican States may enter from October 1 to March 15, inclusive, provided that during the 1947-48 shipping season such period shall be from October 1, 1947, to April 30, 1948, inclusive.

(5) *Notice of arrival.* Prior to entry, a notice of arrival, in duplicate, shall be submitted to the collector of customs at the port of entry, on a form provided for that purpose giving the initials and number of the railroad car and the authorized routing together with other information called for by the form.

(6) *Containers.* Transportation and exportation entry of oranges and grapefruit from any point in Mexico is contingent upon the fruit being packed in containers of the approximate size customarily used by the trade for marketing such fruit in the United States.

(7) *Inspection.* Each shipment shall be subject to inspection at the port of entry to determine the nature of the contents.

(8) *Disinfection.* Each car shall be subject to such disinfection at the port of entry as the plant quarantine inspector shall require.

(9) *Type of car to be used in transportation and exportation of oranges and*

grapefruit. Refrigerator cars of United States or Canadian ownership only shall be used for transportation and exportation to Canada of oranges and grapefruit from Mexico.

All refrigerator cars transporting oranges from States in Mexico other than Sonora shall be iced prior to crossing at El Paso, Eagle Pass, and Laredo, Tex., and shall be re-iced if necessary south of Little Rock, Ark., or a line drawn east and west therefrom. North of this line no further icing is required. Icing, insofar as pest risk is concerned, may be omitted if all openings leading from the car to the ice bunkers are covered with a 14-mesh fly screen in a manner satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine, such cars to move through the States with all doors closed and sealed.

(10) *Authorized bonded rail movement.* All shipments shall move in refrigerator cars of United States or Canadian ownership by direct, authorized rail routing in bond under customs seal without diversion from the port of entry to the port of exit as follows:

Fruit entered at Nogales or Naco, Ariz., is limited to direct eastward rail routing to El Paso, Tex., after which it and all other approved fruit shall pass through the territory bounded on the west by a line drawn from El Paso, Tex., to Salt Lake City, Utah, and Portland, Oreg., and on the east by a line drawn from Laredo, Tex., through Robstown, Tex., to Memphis, Tenn., on to Louisville, Ky., and due east therefrom, such territory to include railroad routes from Laredo to Robstown and direct northward routes therefrom. Movement for return to Mexico is limited to direct eastward rail routing for export through border ports between and including Nogales and El Paso.

(11) *Cleaning of cars prior to return to the United States.* Cars conveying Mexican citrus fruit through the United States to Canada shall be carefully swept and freed of all fruit, as well as boxes and other rubbish, by the railroad company involved prior to reentry into the United States.

(b) *Entry via North Atlantic ports—*

(1) *Provisions made applicable.* The provisions of paragraphs (a) (1), (5), (7), and (11) of this section shall apply to oranges and grapefruit transported from Mexico to foreign countries via North Atlantic ports.

(2) *Origin of oranges and grapefruit.* Oranges and grapefruit from any State in Mexico may move by the authorized routing indicated in paragraph (b) (5) of this section.

(3) *Authorized ports of entry.* New York and Boston and such other northern ports as may later be approved.

(4) *Period of entry.* Entry of oranges and grapefruit originating in the State of Sonora is authorized throughout the year but limited to the period October 1 to March 15, inclusive, from all other states.

(5) *Authorized routing.* All shipments shall move by water direct to New York or Boston or to such other northern ports as may later be approved for immediate direct export or for immediate transportation and exportation in bond by direct approved rail routes to Canada.

[BEPQ 532, 8 F. R. 14105 as amended by Supp. 1, 8 F. R. 16007, and Supp. 2, 13 F. R. 1419]

Part 353—Sanitary Export Certification

Sec.

353.1 Definitions.

353.2 Administration.

353.3 Where service is offered.

353.4 Products covered.

353.5 Application for certification.

353.6 Inspection.

353.7 Certificates.

AUTHORITY: §§ 353.1 to 353.7 issued under sec. 102 (b), 58 Stat. 735; 7 U. S. C., 147a.

SOURCE: §§ 353.1 to 353.7 appear at 10 F. R. 6359.

§ 353.1 *Definitions.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The act.* The act of Congress entitled "Department of Agriculture Organic Act of 1944," approved September 21, 1944 (58 Stat. 734), section 102 (b) (c).

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(c) *Products.* Domestic plants and plant products.

(d) *Inspector.* An inspector of the Bureau of Entomology and Plant Quar-

antine, United States Department of Agriculture, or other person authorized by the Secretary of Agriculture to inspect and certify to shippers and other interested parties, as to the sanitary condition of the products inspected under the act.

(e) *Office of inspection.* The office of an inspector of products covered by this part.

(f) *Certificate.* A certificate of the sanitary condition of the products concerned, based on inspection of representative samples, issued by an inspector under the act.

(g) *Consignment.* Any shipment of products assembled and inspected at one place at one time and covered by one application, or any mail shipment consigned to one consignee.

§ 353.2 *Administration.* The Chief of the Bureau is charged with the supervision of the performance of all duties arising in the administration of the act.

§ 353.3 *Where service is offered.* Certification may be made at the following ports, where inspectors of the Bureau are located:

Atlanta, Ga.	Louisville, Ky.
Baltimore, Md.	Memphis, Tenn.
Blaine, Wash.	Miami, Fla.
Boston, Mass.	Mobile, Ala.
Brownsville, Tex.	Naco, Ariz.
Buffalo, N. Y.	New Orleans, La.
Calexico, Calif.	New York, N. Y.
Charleston, S. C.	Nogales, Ariz.
Chicago, Ill.	Norfolk, Va.
Cleveland, Ohio	Omaha, Nebr.
Dallas, Tex.	Pensacola, Fla.
Del Rio, Tex.	Philadelphia, Pa.
Denver, Colo.	Pittsburgh, Pa.
Detroit, Mich.	Port Arthur, Tex.
Douglas, Ariz.	Port Everglades, Fla.
Eagle Pass, Tex.	Portland, Oreg.
El Paso, Tex.	Presidio, Tex.
Fort Worth, Tex.	Roma, Tex.
Galveston, Tex.	Saint Louis, Mo.
Great Falls, Mont.	Saint Paul, Minn.
Hidalgo, Tex.	San Antonio, Tex.
Hoboken, N. J.	San Diego, Calif.
Honolulu, Hawaii	San Francisco, Calif.
Houston, Tex.	San Juan, P. R.
Jacksonville, Fla.	San Pedro, Calif.
Kansas City, Mo.	San Ysidro, Calif.
Key West, Fla.	Savannah, Ga.
Laredo, Tex.	Seattle, Wash.
Los Angeles, Calif.	Tampa, Fla.

§ 353.4 *Products covered.* Domestic plants and plant products when offered for export.

§ 353.5 *Application for certification.* (a) A written application shall be made on forms provided for the purpose setting forth such information as is called for as far in advance as possible, and shall be filed in the office of inspection at the port of certification.

(b) Each application shall be deemed filed when delivered to the proper office of certification. When such application is filed, a record showing the date and time of filing shall be made in such office.

§ 353.6 *Inspection.* (a) The applicant shall cause the product for which inspection is requested to be made accessible for inspection and identification and to be so placed as to permit efficient inspection for insects and plant diseases of representative samples of all grades or kinds of such product.

(b) All labor involved in the inspection, including the moving, opening, and closing of containers, shall be furnished by the applicant.

(c) Certificates may be refused for failure to carry out fully any of the foregoing provisions.

(d) No inspector shall inspect any products in which he or a member of his family is directly or indirectly financially interested.

§ 353.7 *Certificates.* (a) For each consignment of products for which certification is requested, the inspector shall sign and issue a separate certificate based on the findings of the inspection.

(b) The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by him.

(c) One copy of each certificate shall be filed in the office of certification, and one forwarded to the Chief of the Bureau.

(d) The Chief of the Bureau may authorize inspectors to issue certificates on the basis of inspections made by cooperating Federal and State agencies under requirements and conditions approved by him.

(e) Inspectors may issue new certificates on a basis of inspections for previous certifications when the previously issued certificates can be canceled before they have been accepted by the phytopathological authorities of the country of destination involved.

